

ORDER BELOW EXH – 01

Perused complaint and documents produced before the Court. Heard learned advocate for complainant on the point of issuance of process.

It is alleged that, the cheque in question was given by the accused to complainant towards discharging its debt. Complainant delivered it in the Bank for encashment but it returned dis-honored. Within stipulated time complainant served statutory notice on the accused demanding payment of cheque amount within 15 days. However, even after receiving the notice accused has not made payment of cheque amount within said period hence this complaint.

The complaint, verification affidavit and documents prima-facie constitutes the basic ingredients of offence punishable under section 138 of the Negotiable Instruments Act. There are sufficient grounds to proceed against the accused for said offence. In the result, I proceed to pass the following order;

ORDER

1. As per Section 204 (1) (a) of the Code of Criminal Procedure, 1973 issue process against the accused for the offence punishable under Section 138 of the Negotiable Instruments Act.
2. Accused is at liberty to recall the complainant for cross examination, if he wishes by filing application under section 145 (2) of the Negotiable Instrument Act, on his appearance.
3. Failure to recall, complaint will be posted for recording statement of accused under section 313 of Criminal Procedure Code.

Saoner.
Date : 12/11/2025

(S. M. Gade)
Judicial Magistrate First Class,
(Court No.3), Saoner.