

S.C.C.No. 602/2018
Akshay Vs Nitin

ORDER BELOW EXH.1
(Passed on 08th Mar. 2019)

1] Perused the contents of the complaint and verification on affidavit. Perused the entire documents on record. Heard learned counsel for the complainant. The record shows that the cheque was issued in favour of the complainant by the accused. It was dishonoured and cheque return memo was issued by the concerned bank. It is also seen that the complainant issued demand notice within stipulated period to the accused. The said notice was duly served to the accused. It was a direct service. Despite the same, the accused did not paid the cheque amount within 15 days from the receipt/service of the said notice.

2] Under the above stated circumstances, the prima-facie complainant has made out the case under section 138 of N.I.Act, against the accused. It is also seen that the complaint is within the limitation period. As such, there is sufficient material/ground for proceeding against the accused. Hence, the following order.

ORDER

1] Issue Process by issuing summons for attendance of the accused for alleged offence under section 138 of Negotiable Instrument Act vide Section 204 of the Code of Criminal Procedure.

- 2] The accused can make an application for compounding of offences at the first or second hearing of the case, and if such an application is made, compounding would be allowed by the Court without imposing any costs. If he/she does not do so, compounding shall be done, subject to costs as per guidelines of the Hon'ble Supreme Court.
- 3] Summons be issued by R.P.A.D. and Hamdast if prayed.
- 4] The complainant is directed to supply the copy of the complaint along with all the necessary documents to the accused.

Nagpur
Date: 08.03.2019

(N. B. Rathod)
C.J.J.D. & J.M.F.C.,
Narkhed

DISTRICT COURT
NAGPUR

CERTIFICATE

I affirm that the contents of this P. D. F file order are same word to word as per original order.

Name of the stenographer : M. R. Raut

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|------------------------------|---|------------|
| Case argued on | : | 08-03-2019 |
| Order dictated on | : | 08-03-2019 |
| Transcription ready on | : | 08-03-2019 |
| Order checked and signed off | : | 08-03-2019 |

DISTRICT COURT
NAGPUR

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