

S.C.C.No. 452/2020
Nirmal Ujawal Vs. Madhukar

ORDER BELOW EXH.1
(Passed on 25th February 2021)

1] Perused the contents of the complaint and verification on affidavit. Perused the entire documents on record. Heard learned counsel for the complainant. Further 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 persons for alleged offence under section 138 of Negotiable Instrument Act vide Section 204 of the Code of Criminal Procedure.
- 2] The accused persons 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] Summonses 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 persons.

Nagpur
Date: 25.02.2021

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

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

Case argued on	:	25-02-2021
Order dictated on	:	25-02-2021
Transcription ready on	:	25-02-2021
Order checked and signed off	:	25-02-2021