

MHNS130010062024



Yunuskhan Nasirkhan Pathan  
Vs.  
Robinson Nelson Gonsalvis

**ORDER PASSED BELOW EXH.1**

**IN S.C.C. No.452/2024**

1] It appears that notice was issued to the Accused U/s.223 of B.N.S.S. The Accused appeared before this Court in pursuance of the said notice and executed bond for his appearance. Record further shows that he has deposited cash surety for his appearance.

2] Perused the complaint and documents. The complainant has filed affidavit in support of the complaint. All essential ingredients of the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 are prima facie made out.

3] The accused is resident of outside the jurisdiction of this Court. For the purpose of enquiry under Section 225 of the B.N.S.S., I have gone through documents filed with the complaint. Documents show that cheque purportedly issued by the Accused in favour of the complainant is on record. The said cheque has been returned for the reason of "***Funds Insufficient***". I find sufficient ground to proceed against the Accused.

4] Hence, as per the directions given by ***Hon'ble Apex Court in Indian Bank Association & others Vs. Union of Indian & Others, AIR 2014 SC 2528***, cognizance of offence punishable under Section

138 of the Negotiable Instrument Act, 1881 is taken. Thus, I pass following order,

**ORDER**

1. Issue process against the accused for an offence punishable under Section 138 of the Negotiable Instrument Act, 1881.
2. The Accused is already appeared before this Court and executed Bond for his appearance. Hence, matter be kept for recording plea of the Accused.

Place :- Pimpalgaon (B).

Date :- 12/06/2025

Sd/-

**( A. J. Patil )**

Judicial Magistrate, First Class,  
Pimpalgaon (B).

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