

ORDER BELOW EXHIBIT 1**Dnyaneshwar Narayan Ghodake v. Vishal Kishor Dukre**

Perused record. Heard Ld. Advocate Shri B.G.Barve for the complainant. Perused verification of the complainant. Evidence affidavit is submitted. Perused Complaint, documents annexed including the copy of cheque, return memo, copy of legal notice, postal envelope returned with endorsement "Unclaimed".

2. It is the case of the Complainant that, the Accused was in need of money. For the same, Complainant had given him hand loan of total amount of Rupees Three Lakh. The Accused had agreed to return to said money. Accordingly, the subject cheque was issued to the Complainant. As agreed, the cheque was deposited in the bank. But, the same was returned for reason of insufficient funds. Ld. Advocate for the Complainant issued a notice to the Accused, which was returned unclaimed and hence can be considered to be served upon the Accused vide Section 27 of General Clauses Act. It is submitted that, despite knowledge of dishonor of cheque, the Accused has not paid the said amount of cheque.

3. Complaint is supported with Affidavit of the Complainant and his evidence affidavit and relevant documents. At this stage, only *prima facie* consideration is expected to be made. Based on the material before me, *prima facie* the Complaint appears to be within limitation; and there appears to be *prima facie* material against the Accused for

offence punishable under Section 138 of the Negotiable Instruments Act,1881. Hence, I pass the following order:-

ORDER

Issue summons to the Accused for offence punishable under Section 138 of the Negotiable Instruments Act,1881; as per Section 204 of the Code of Criminal Procedure. Parties to take note of judgment dated 16th April 2021 of the Hon'ble Supreme Court in Suo Motu Writ Petition (Crl.) No. 2/2020 in *Re.: Expeditious Trial of Cases under Section 138 of N.I. Act, 1881* and Section 145 of the Negotiable Instruments Act.

Date: 01/04/2025
Place: Tuljapur

(Smt.PS.G. Chalkar)
Judicial Magistrate First Class,
Tuljapur