

ORDER BELOW EXHIBIT 1 IN S.C.C.NO.867/2023
(Parmeshwar Mahajan Vs. Balasaheb Chavan)

Perused record. Heard Ld. Advocate Shri P.T.Vatte for the complainant. Perused verification of the complainant. Perused Complaint, documents annexed including the copy of cheque, return memos, legal notice, postal acknowledgment and loan agreement.

2. It is the case of the Complainant that, the Accused had taken a loan from the Complainant. They had entered into a loan agreement. Towards the repayment of the said loan, the Accused issued a cheque in the favour of the Complainant. Upon submitting the said cheque in the concerned bank, the said cheque was returned for reason "Funds Insufficient". As requested by the Accused the cheque was redeposited. That too was returned for the reason of Funds insufficient. Ld. Advocate for the Complainant issued a Notice to the Accused, which was served upon the Accused. It is submitted that, despite the same, the Accused has not honoured the said cheque. That despite knowledge of dishonor of cheque and issue of notice, the Accused has not paid the said amount of cheque.

3. Complaint is supported with Affidavit of the Complainant and relevant documents. 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.

Place : Tuljapur
Date : 29/11/2023.

Sd/-
(**Smt.P.S.G. Chalkar**)
Judicial Magistrate First Class
Tuljapur-Osmanabad

3

S.C.C.No.867/2023

Parmeshwar Vs. Balasaheb

CNR No.MHOS0400 2366 2023

CERTIFICATE

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

Name of Stenographer	---	Smt. K.P.Pawekar
Court	---	Jt.CJJD & JMFC Tuljapur
Date	---	29.11.2023
Order signed by the Presiding Officer on	---	29.11.2023
Order uploaded on	---	29.11.2023