

Order Below Exh.1

Heard, Perused the entire record of the present case as the complaint is being filled for the offence under section 138 of the N.I. Act. As per direction of Hon'ble Supreme Court of India in Writ Petition (Civil) No. 18/2013, Indian Bank Association Judgment. Metropolitan Magistrate/ Judicial Magistrate (MM/JM), on the day when the complaint u/s. 138 of the Act is presented, shall scrutinize the complaint and, if the complaint is accompanied by the affidavit, and the affidavit and documents, if any, are found to be in order, take cognizance and direct issuance of summons.

The present complaint was kept for inquiry and this court has gone through the complaint and the documents attached with it and after perusing the complaint at the affidavit of complainant it appears that the cheque has been dishonoured at Ahmedabad. Hence statutory notice u/s. 138 (b) of the Act was issued by complainant to accused but accused fail to make payment of cheque amount, so considering the above facts and provision of law this court has jurisdiction to take cognizance of this complaint u/s. 142(2)(a) of the N.I. Act. Hence, considering the facts of complaint examination in chief of complainant u/s. 145 of N.I. Act and documentary evidence produced on record prima facie case appears against accused for an offence u/s. 138 read with section 142 read of NI Act. For the foregoing reasons, this criminal inquiry is accordingly disposed of and The present complaint is hereby order to be registered as Criminal Case and order to issue summons against the accused for the offence u/s. 138 of N.I. Act.

Summons be issued in the prescribed form. Moreover, accused is hereby directed to furnish a surety amount of Rs. 10,000/- before this Court for the purpose of securing his/her presence during the trial of the present complainant. In addition to normal mode of service, the complainant is also permitted to serve the summons through R.P.A.D. and email. In case of service by email, the complainant is required to declare that the email address is correct.

NEXT DATE: 07/07/2025

Date:06/05/2025
Ahmedabad.

(Bhadresh Hasmukhlal Gandhi)
07th Addl chief Judicial Magistrate
Ahmedabad City
(N.I.A Court no.27)
(Judge Code no.GJ00957)