

Since the ingredients of Section. 138 of NI Act are complied cognizance is taken.

The present private complaint is filed U/sec. 223 of BNSS for the offence punishable U/sec. 138 of N.I. Act.

2. Perused the complaint along with the documents produced by the complainant.

3. The complainant along with complaint has filed Affidavit/Sworn Statement and the original documents in support of the complaint, such as Original cheque, return Memo, legal notice, Postal receipt, Postal track consignment.

4. Perused the complaint, sworn statement and documents produced by complainant. All the facts which are referred by the complainant is in sworn statement and the documents produced, prima facie established that the accused has committed an offence punishable U/sec. 138 of N.I. Act. The accused has failed to make good the cheque amount even after issuance of legal notice. Further the complaint is filed within the time of limitation as provided under the Act.

5. The complainant has complied with all the mandatory requirements of Sec. 138 of N.I. Act to maintain the complaint

against the accused. The Affidavit/Sworn Statement filed in support of the complaint is to be treated as sworn statement as per the law laid down by Hon'ble Supreme Court, in Indian Bank Association case reported in **(2014) 5 SCC 590**. Therefore, I am satisfied that there are sufficient materials on record at this stage to proceed against the accused. Accordingly, proceed to pass the following;

ORDER

- * Register the criminal case against the accused for the offence punishable U/sec. 138 of N.I. Act, in Resister No.III.
- * Issue Summons to the accused by speed post if PF and postal cover is duly furnished.
- * Returnable by 01-09-2026.

Sd/-

II Addl Sr. Civil judge and JMFC Bidar.