

-1- S.C.C. No. 1973/2022
CNR NO. MH-PU-09-004578-2022
ORDER BELOW EXH. 01 IN S.C.C.NO. 1973/2022

The accused No. 1 company situated at Andheri East and accused No. 2 is resident of Bandra West, Mumbai. They are residing beyond the territorial jurisdiction of this court.

02] In R.E.: Expeditious Trial of Cases under Section 138 of N. I. Act, 1881, decided on 16.04.2021, the Hon'ble Supreme Court has categorically held : "The upshot of the above discussion leads us to the following conclusions:

1) The High Courts are requested to issue practice directions to the Magistrates to record reasons before converting trial of complaints under Section 138 of the Act from summary trial to summons trial.

2) Inquiry shall be conducted on receipt of complaints under Section 138 of the Act to arrive at sufficient grounds to proceed against the accused, when such accused resides beyond the territorial jurisdiction of the court.

3) For the conduct of inquiry under Section 202 of the Code, evidence of witnesses on behalf of the complainant shall be permitted to be taken on affidavit. In suitable cases, the examination Magistrate of can restrict documents without the inquiry insisting to for examination of witnesses."

03] In the case at hand also, the accused is residing beyond the territorial jurisdiction of this court. In view of this, I find that there requires postponement of issuance of process under section 202 (1) of the Code and there requires inquiry by the court under section 202 (1) of the Code. Therefore, I pass the following order to inquire into the case under section 202 (1) of the Code.

ORDER

1. The complainant do submit his affidavit in support of his case.
2. The complainant shall also file affidavit(s), of witnesses, if any, otherwise, the complainant shall mention in his above referred affidavit that there is no witness to the transaction between the complainant and accused.

3. The complainant shall also submit all documentary evidence on record declaring in his above referred affidavit that there is no documentary evidence other than the documentary evidence the complainant has already produced on record.

Date :- 04.08.2022

(R. M. Giri)
Judicial Magistrate First Class,
Pimpri, Pune.

C E R T I F I C A T E

“ I affirm that the contents of this P. D.F. file Judgment / Order are same word for word as per original Judgment.

Name of Steno : Smt. K. U. Pawar

Court Name : Shri. R. M. Giri
Judicial Magistrate First Class,
Pimpri, Pune.

Date : 04.08.2022

Judgment/Order signed by
presiding officer on : 05.08.2022

Judgment/Order uploaded on : 05.08.2022