

MHPU090068902024



S.C.C./3509/2024

Abhijit Dattatray Vaze

Vs.

Somnath Dattatray Lokhande

ORDER BELOW EXH.1

(Passed on 21/07/2025)

Perused the complaint, documents placed on record and examination of complainant under **section 200 of Criminal Procedure Code** (earlier section) now **Section 223 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)**. Heard learned advocate for complainant on the point of issuance of process. Firstly, from the contents of complaint and the examination of complainant on oath, it appears that, the cheque in question was given by the accused to complainant towards legally enforceable debt or liability. Complainant appears to have made efforts to encash the cheque amount. There appears a Memo given by banker of accused that, the cheque in question is dis-honored for the reason mentioned in it. Within stipulated time, complainant appears to have given mandatory notice to accused asking the accused to make payment of said amount within 15 days. As per complainant, even after service of notice, accused has not made payment of cheque amount within said period. Thus, it appears that, the cause of action has accrued in favor of complainant to file this case. This Court is certainly having territorial jurisdiction to take cognizance of and try this case. I have verified original cheque along with documents. Present complaint is within limitation. Resultantly, at this juncture all fundamental ingredients of offence punishable under section 138 of the Negotiable Instruments Act are prima facie appearing. List of witnesses is also filed on record. Hence, I think it fit to issue the process against accused for said offence. In the result, I pass the following order;

ORDER

- i) As per **Section 223 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)** issue process and summons against the accused for the offence punishable under **section 138 of The Negotiable Instruments Act** returnable on **30.08.2025**.
- ii) Complainant to pay the process fees, if not already paid.

Place: Pimpri, Pune.

Date: 21/07/2025


(G. G. Auti)

Judicial Magistrate F.C.,
(Court No.5), Pimpri, Pune.

ORDER BELOW EXH.1 IN S.C.C. No.3509/2024
MHPU090068902024
(Passed on this 21/07/2025)

ORDER BELOW EXH.1
Put up for verification.

Place: Pimpri, Pune.
Date: 21/07/2025

Auti
21.7.2025
(G. G. Auti)
Judicial Magistrate F.C.,
(Court No.5), Pimpri, Pune.

ORDER BELOW EXH.1 IN S.C.C. No.3509/2024
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ORDER ON VERIFICATION AFFIDAVIT

The complainant is present before this Court. He has admitted contents of affidavit as true and correct. Also, he has admitted his signature over it. Hence, this affidavit is read and recorded before me.

Place: Pimpri, Pune.
Date: 21/07/2025

Auti
21.7.2025
(G. G. Auti)
Judicial Magistrate F.C.,
(Court No.5), Pimpri, Pune.