

S.C.C. No. 1228/2024

Nitin Dnyaneshwar Walse

Vs

Vishal Karbhari Karande

ORDER BELOW EXH. – 01

The complainant filed the present complaint under section 138 of Negotiable Instrument Act 1881.

2. Perused the complaint, verification on oath and documents on record.

3. Heard the Ld. advocate for the complainant.

4. On perusal of complaint prima facie it appears that the cheque in question was given by the accused to the complainant towards his legally enforceable debt or liability. The complainant appears to have made efforts to encash the cheque amount. The cheque Memo shows that the cheque in question is dishonoured for the reason the “***Insufficient Funds***”. Further, it appears that the complainant has given mandatory notice to the accused asking him to make payment of the said cheque amount within 15 days. Despite service of the said notice the accused failed to repay the cheque amount. Thus, it appears that the cause of action has arosed in favour of the complainant to file this complaint.

5. On perusal of available records, and the reasons mentioned above prima facie it appears that sufficient material is present on record to issue a process against the accused for the offence punishable under

Section 138 of the Negotiable Instruments Act 1881. Hence I pass following order.

ORDER

Issue process against the accused for the offence punishable under section 138 of The Negotiable Instruments Act 1881 vide section 204 (1)(a) of The Code of Criminal Procedure, 1973.

**Date : 10/10/2025.
Ghodegaon**

**Sd/-
(Sneha Sunil Pulujkar)
2nd Jt. Judicial Magistrate First Class,
Ghodegaon, Dist. Pune.**