

ORDER BELOW EXHIBIT NO.1

This is an complaint filed U/s.138 of N.I. Act for dishonour of cheque dt. 05.09.2023 issued by accused. I himself conducted inquiry u/s.202 of Cr.P.C. upon examination of documents produced on record and on verification statement of complainant. After inquiry I found that, the cheque was deposited for encashment on 05.09.2023 which was dishonoured due to exceed agreement. Bank issued memo dated 06.09.2023 Thereafter, complainant issued notice dated 27.09.2023 demanding money standing towards the cheque. That notice was served to accused on 28.10.2023. However, he failed to make the payment within 15 days from the receipt of notice. Therefore, cause of action arose on 12.11.2023. The complaint ought to have filed within 1 month from 12.11.2023. The present complaint is filed on 20.11.2023 within prescribed period of limitation. Thus, the complainant has made out prima facie case and there are sufficient grounds to proceed u/s.138 of the Negotiable Instrument Act, against accused. Hence, process be issued against accused for the offence punishable under section 138 of the Negotiable Instrument Act, 1881.

Khalapur.
Date : 19/01/2024.

(R.D.Wabale)
Judicial Magistrate, First Class,
Khalapur.