

ORDER BELOW EXHIBIT NO.1

This is an complaint filed U/s.138 of N.I. Act for dishonour of cheque dt. 03.11.2022 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 encasement on 05.11.2022 which was dishonoured due to Account closed. Bank issued memo dated 07.11.2022 Thereafter, complainant issued notice dated 01.12.2022 demanding money standing towards the cheque. That notice was served to accused on 02.12.2022. However, he failed to make the payment within 15 days from the receipt of notice. Therefore, cause of action arose on 17.12.2022. The complaint ought to have filed within 1 month from 17.12.2022. The present complaint is filed on 23.12.2022 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 : 17/02/2023.

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

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

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| (a)Name of the Stenographer | : M. S. Shirgire, Steno. (L.G.) |
| (b)Court | : Shri. R. D. Wabale
C.J.J.D. & J.M.F.C.,
Khalapur |
| (c) Date of Judgment/Order | : 17/02/2023 |
| (d) Judgment/Order signed by the
Presiding Officer on | : 17/02/2023 |
| (e) Judgment/Order uploaded on | : 20 /02/2023 |