ORDER BELOW EXH.1

Perused the complaint, verified statement of the de-facto complainant recorded under Section 223 of Bharatiya Nagarik Suraksha Sanhita 2023. Heard Learned Advocate of complainant. Complaint and verified statement runs together. Allegation made by complainant is supported documents produced along with list at Exh.4. The de-facto Complainant appears to be authorized to file the complaint. I find substance in complaint. The Complainant has made out prima-facie case against the accused for the offence punishable under Section 138 of Negotiable Instruments Act 1988.

2. By virtue of Section 4(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 special procedure of Section 142 of the Negotiable Instruments Act 1988 will be applicable and therefore proviso clause about issuing notice to the accused u/s 223(1) of Bharatiya Nagarik Suraksha Sanhita 2023 will not apply. Therefore, I don't find need to issue notice to the accused in this special enactment. Hence, following order is passed.

ORDER

1. Issue process against the accused for the offence punishable under section 138 of Negotiable Instruments Act 1988 vide Section 227 of Bharatiya Nagarik Suraksha Sanhita 2023.

2. Summons shall be sent to the accused as per directive principle laid down by Hon'ble Supreme court in case of ***Damodar S.***

Prabhu V/s. Sayyad Babalal reported in AIR 2010 SC 1960 and ***C C Alvi Haji V/s. Palapetty Mohammad reported in 2007 (2) Bom C.R (criminal) 22.***

3. Complainant is allowed to send summons by speed post or register post.

SANDEEP VISHNU KHAIRE

Digitally signed by SANDEEP VISHNU KHAIRE
Date: 2025.09.17 18:18:27 +1100

(S. V. Khaire)
Judicial Magistrate, F.C.
Roha.

Date :-17.09.2025