

MHRG100000712025



**ORDER BELOW EXH.01**

The complainant and Advocate are present in the court. Complainant is verified on oath. Perused record and documents.

02. After perusal of record it appears that the accused is resided beyond the jurisdiction of this court. Thus, there is need to conduct inquiry u/s. 225(2) of Bharatiya Nagarik Suraksha Sanhita, 2023. Accordingly matter was kept for inquiry u/s. u/s. 225(2) of Bharatiya Nagarik Suraksha Sanhita, 2023. However, complainant has filed purshis that he does not want to examine any further witness for inquiry u/s. 225(2) of Bharatiya Nagarik Suraksha Sanhita, 2023. Moreover, in Re Suo Motu writ petition (criminal) no. 02/2020 decided on 16/04/2020, in which the Hon'ble Apex Court held that in suitable cases, the Magistrate can restrict the inquiry to examination of documents without insisting for examination of witnesses,

03. Perused the documents i. e. Cheque, return memo etc. On perusal of documents prima facie it appears that, the accused had issued cheque bearing no. 889782 dated 28/11/2024 on an account maintain with State Bank of India, Branch Dabhol, Dist. Ratnagiri for discharge of dept or liability of Rs. 1,02,252/- in favour of the complainant. As per the complaint, the complainant had presented said cheque in The Raigad District

Central Co-operative Bank Alibag, Branch Mahad. However, on 30/11/2024 the said cheque was dishonoured for the reason funds insufficient. Thereafter on 11/12/2024 the complainant had issued the notice to the accused demanding payment of the said amount. On 13/12/2024 said notice was duly served on accused. Despite the service of notice accused failed to make payment. Thus, the prima facie case is made out against accused u/s. 138 of Negotiable Instrument Act. The complaint is filed within limitation.

04. As per Re Suo Motu writ petition (criminal) no. 02/2020 in present case documents filed by complainant are sufficient for issuance of process and hence inquiry u/s. 225(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 can be restricted to the examination of documents. In result the offence u/s. 138 of Negotiable Instrument Act is made out against accused. Hence, I pass following order.

### **ORDER**

Issue process against the accused for offence punishable u/s. 138 of Negotiable Instrument Act vide section 227 of Bharatiya Nagarik Suraksha Sanhita, 2023.

(Harshada S. Admane)

Date: 06/02/2025      Judicial Magistrate First Class,  
Mahad