

ORDER BELOW EX.01

The complainant is present. This is a complaint filed for the offence punishable under section 138 of the Negotiable Instruments Act. Perused the complaint, affidavit of the complainant and documents filed along with complaint. Heard Ld. Adv. for complainant. From the material available on record, prima facie offence punishable under Section 138 of the Negotiable Instruments Act is made out. Although, accused is residing outside the jurisdiction of court, however, in such cases as laid down by the Hon'ble Apex Court in Suo Moto W.P. No. 2/2020 that, in such cases the inquiry under sec. 202 can be restricted to the documents available on record. Although, the case is filed after 01 July 2024, as per law, cognizance of offence under Sec.138 of Negotiable Instruments Act is taken as per Sec. 142 of Negotiable Instruments Act. Thus, there occurs no need to accused to issue notice before issuing process against him. Hence, I issue summons against the accused for the offence punishable under Section 138 of Negotiable Instruments Act.

Sd/-

Sangli
Date: 06.10.2025

(Shri. O. S. Shastri)
Judicial Magistrate F.C. No.5, Sangli