

S.C.C.No.2586/2023

Shalibhadra Finance Ltd, Through Branch Manager Mr. Karan Mahesh
Pawar

Vs

Deepak Chandrakant Magdum

MHSN03-0004132-2023

Order Below Exh.01

Read the complaint and the documents filed therewith.

2. Heard learned advocate for the complainant.

3. It prima facie appears that, the accused had issued the cheque bearing no.000020 dated 05.10.2023 on an account maintained with HDFC Bank, Branch Gadmudsinghi for discharge of debt or liability of Rs.47,824/- in favour of complainant. As per the complaint, on 09.10.2023 the complainant had presented said cheque for clearance in the Bank of Maharashtra, Sangli. However, on 10.10.2023 the said cheque was dishonoured for the reason 'Funds Insufficient'. Thereafter, on 17.10.2023 the complainant had issued the notice to the accused demanding payment of the said amount. On 20.10.2023 the accused was served with the said notice. However, accused failed to make the payment of said cheque amount. Thus, from perusal of complaint it appears that, the complainant has made out prima facie case for issuance of process against the accused persons for the offence punishable under section 138 of the Negotiable Instrument Act. So also, documents filed by the complainant are sufficient for issuance of process and hence inquiry under Section 202 of Cr.P.C. can be restricted to the examination of documents. Moreover, the complaint is within the

limitation. In view of above discussion, I proceed to pass following order ;

ORDER

Issue process against the accused Deepak Chandrakant Magdum for the offence punishable under section 138 of the Negotiable Instrument Act, 1881, vide Section 204 of Code of Criminal Procedure returnable on 21/02/2024.

Place : Sangli.
Date :05/01/2024.

(Ashish Mahipati Chavan)
4th Judicial Magistrate First Class,
Sangli.