

ORDER BELOW EXH. 1 in SCC . No 2599/2023

Perused the complaint and documents annexed therewith. Heard learned Advocate for the complainant.

2. The offence alleged against accused is punishable Sec 138 of Negotiable Instruments Act, 1881. The accused is residing beyond territorial jurisdiction of this Court. **Hon'ble Supreme Court** in the case of **In Re: Expeditious Trial of Cases under Sec 138 of N.I. Act [Suo Motu Writ Petition (Crl.) no. 2/2020]** directed that, inquiry under Sec 202 of Code of Criminal Procedure, 1973, shall be conducted on receipt of complaints under Sec 138 NI Act to arrive at sufficient grounds to proceed against accused, when such accused is beyond territorial jurisdiction of the Court. Therefore, I think fit to pass order for postponement of issue process for the purpose of deciding whether or not there are sufficient ground for proceeding against the accused. Hence, following order.

ORDER

- 1) Complainant is directed to give evidence of witnesses on affidavit, if he desires, for purpose of inquiry under Sec 202 of Code of Criminal Procedure, 1973.
- 2) Issue process is postponed vide Sec 202 of Code of Criminal Procedure, 1973.

Sd/-

Sangli
Date : 04/01/2024

(Divya P. Kale)
7th Jt. Judicial Magistrate
First Class, Sangli