

ISSUE PROCESS ORDER

ORDER BELOW EXH.1 IN S.C.C NO.590/2023

Perused the complaint, verification statement on affidavit and documents filed along with the complaint.

2. Prima facie it appears that, the accused have issued cheque bearing No.021751 dated 23/10/2023 in favour of the complainant in discharge of their legal debt. The Complainant presented cheque for encashment in his bank, but said cheque has been returned along with return memo dated 25/10/2023 for reason "Funds insufficient". Thereafter, the complainant has sent demand notice to the accused on 07/11/2023. The accused failed to pay cheque amount despite service of demand notice. Prima facie it appears that the presentation of cheque, issuance of demand notice and filing of complaint are within limitation. Accused are residing beyond territorial jurisdiction of this Court. I conducted an inquiry by verifying all documents filed along with complaint. Prima facie, there is no requirement to record statement of other witnesses. Considering the nature of complaint and documents filed on record inquiry under section 202 of Code of Criminal Procedure is restricted for examination of documents only.

3. Prima facie it appears that the accused have committed an offence punishable u/s 138 of the Negotiable Instrument Act, 1882. Hence process be issued against accused for the offence punishable under section 138 of Negotiable Instrument Act, 1882.

4. Issue summons to the accused.

Date:09.2.2024.

Place-Kavathe-Mahankal.

sdxx
(Arun R. Vyawahare)
Judicial Magistrate F.C.
Kavathe-Mahankal