

Order below Ex.1 in SCC 714/2024
Sangli Jilha prathmik shishak sahakari bank Ltd Vs Jivan Mhaske

The e-complaint is under Section 138 of the Negotiable Instruments Act, 1881 (the NI Act).

2 Perused the complaint, verification, and the record.

3 Heard.

4 The complainant is a society duly registered under the provisions of the Maharashtra Co-operative societies Act, 1960. The complainant is a bank/society carrying on the business of disbursing loan. The complaint is through its authorised person. Prima-facie the cheque appears to have been issued by the accused towards the outstanding amount/discharge of the legally enforceable debt/liability (i.e., repayment of loan). The dishonour of the cheque is evident from the record. The same prima-facie constitutes one of the reasons attracting the offence under the NI Act. The statutory notice issued to the accused has been duly served. The same is a matter of rebuttable presumption. The complaint is within limitation. The accused is resident outside the local limits of this Court. It is case of the complainant that the accused failed to make payment of the cheque amount within 15 days of its receipt. The complaint is within limitation. The accused is resident outside the local limits of this Court. The loan documents are suggestive of the fact that the loan agreement was executed at Sankh Tq.Jath i.e., within the local limits of this Court. The material on the record is documentary. Therefore, the need of investigation under Section 202 of the Cr.P.C is obviated. Prima-facie case for proceeding against the accused for the offence under Section 138 of the NI Act, has been made out. Hence, the following

Order

Issue process against the accused for offence punishable under Section 138 of the NI Act.

Jath
Date:-19/11/2024

(Sanjay P.Bunde)
J.M.F.C, Jath (Court No.2)