

SCC No. 206/2024

Warana Sah. Bank V/s. Omkar Garade

CNR No. MHSN14000348-2024

ORDER BELOW EXH. 1

1. Perused the complaint, verification and document filed by the complainant. The present complaint is filed u/s 138 of Negotiable Instruments Act, 1882.
2. Heard the Ld. Advocate for the complainant. On examination of the allegations made in complaint and statement of the complainant on solemn affirmation, it is clear on record that, accused had given a cheque bearing no. 000001 dated 06/03/2024 of Warana Sah. Bak Ltd., Wrananagar, Branch Mangale, to the complainant of Rs.20,100/- & same had been dishonored due to insufficiency of funds. It is also clear on record that, complainant issued a demand notice dated 21/03/2024 same was received by the accused on 23/03/2024. Even after that, accused has failed to repay the amount due on him.
3. From above statements made by the complainant on oath, it is seen that, prima facie case is made out against the accused for issuance of process for offence punishable u/s 138 of Negotiable Instruments Act,1882. This is complaint for offence under special Act. Therefore, I have taken cognizance of offence under section 142 of the N.I. Act. There is no need to hear the accused prior to issue process.
4. During the trial, if accused pleads not guilty, the verification affidavit filed by the complainant will be treated as evidence affidavit and same be noted by the accused.
5. In case accused wants to compromise the case against him, accused is at liberty to file application in that regard on next date.
6. Point no. 4 and 5 be mentioned in summons issued to the accused. Hence, following order.

ORDER

1. Issue process against the accused Omkar Bharat Garade for the offence punishable u/s. 138 of Negotiable Instruments Act,1882.

Date : 09/12/2024

(Smt. V. A. Desai)
Judicial Magistrate, F.C., Shirala.

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CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	:	M. S. Gondkar
Court	:	Jt. C.J.J.D. & J.M.F.C., Shirala
Date	:	09/12/2024
Order signed by the Presiding Officer on	:	09/12/2024
Order uploaded on	:	09/12/2024