

S.C.C. No. 381/2025
Hutatma Sah Bank Ltd Walwa Br
Shirala Tal Shirala Dist Sangli
Vs
Satish Govind Patil

Order Below Exh.1

Heard Ld. Counsel for complainant. Perused the complaint, the verification affidavit and the documents filed on record. It is alleged that accused issued cheque in favour of the complainant for legal liability and debt. The present complaint is filed by the complainant under section 138 of N.I. Act. As the accused is residing beyond jurisdiction of this Court, I have made inquiry under Section 225 of BNSS. The complaint is filed within prescribed limitation. The presumption provided under Section 118 and 139 of the Negotiable Instrument Act are prima-facie established. The offence under Section 138 of Negotiable Instrument Act is prima-facie made out against accused. 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. Accordingly, following order is passed in view of the guidelines issued by the Hon'ble Apex Court in Indian Bank Association and others v/s Union of India and others (2014 Law Suit(SC) 367).

ORDER

- 1- Issue process against the accused for the offence U/sec 138 r/w section 141 of N.I Act.
- 2- Accused is at liberty to recall the complainant for cross examination, if he wishes by filing application u/sec. 145(2) of N.I Act, on his appearance.
- 3- Failure to recall, complaint will be posted for recording statement of accused u/sec. 351 of BNSS.

Shirala
Date:- 07/03/2026

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