S.C.C. No. 488/2025
Shri Warna Cooperative Bank Ltd Warnanagar
Tal Panhala Dist Kolhapur
Vs
Rajiyabegam Abdulsammad Pirjade

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. There is substance in the complaint and complainant has made out the prima-facie case to issue process. 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 u/sec 138 of N.I Act, 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 BNSS.

DESAI VINAYA ATMARAM
Digitally signed by DESAI VINAYA ATMARAM
Date: 2025.12.22 18:00:23 +0530

Shirala
Date:- 22/12/2025

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