

ORDER BELOW EXH.NO.1

Perused the complaint, affidavit supported with it, documents placed on record. Heard ld.advocate for complainant, on the point of issuance of process.

2. The complainant has filed verified copy cheque. Thus, it appears that the accused has given cheque in question. The complainant has made efforts to in cash cheque amount. It appears that the cheque in question is dishonored due to reason mentioned in bank memo "Funds Insufficient". The complainant gave mandatory notice within 30 days to the accused and asked him to make payment of said amount. Notice were returned as it was not received by the accused, which is to be considered as deemed service. Thus, it appears that cause of action has accrued in favour of complainant. It appears that cheque has been given by accused towards legally enforceable date and liability. Hence, at this primary stage, fundamental ingredients of offence punishable under section 138 of The Negotiable Instruments Act are attracted in my opinion. Hence, I proceed to pass the following order-

ORDER

1. As per section 204 (1)(a) Code of Criminal procedure issue process and summons against the accused for offence punishable under section 138 of The Negotiable Instruments Act.
2. Complainant to pay the process fees, if not already paid.

Date:-29/07/2025

(A.K.Sharma)  
Judicial Magistrate, F.C., Karmala

## CERTIFICATE

I affirm that the contents of this PDF file order is same word to word as per the original order.

- (a) Name of the Stenographer :- N.B.Labade
- (b) Court :- Jt.CJJD & JMFC, Karmala
- (c) Judgment signed by P.O.on:- 29/07/2025
- (d) Judgment uploaded on :- 29/07/2025