

On solemn affirmation
Further Examination in chief of complainant by Ld. Advocate
Jiwnani:-

13. The contents in my affidavit in lieu of examination in chief are true and correct. It bears my signature. Today I brought original documents with me. I have filed promissory note between myself and the accused. It bears my signature, signature of accused and the witnesses. The contents therein are true and correct. It is marked as Exh.5.

14. Thereafter, the accused has given me two cheques. I am now shown original cheque bearing no. 000021 dt. 12.8.2024 for the amount of Rs.1,50,000/- of HDFC Bank. It is issued in my name. The said cheque is issued by accused. It bears signature of accused. The contents therein are true and correct. It is marked as Exh.6.

15. I am now shown the computerized cheque return memo dated 16.8.2024 of Saraswat Bank. It bears seal of bank and signature of authorized signatory. It is marked as Exh.7.

16. I am now shown original cheque bearing no. 043480 dt. 12.8.2024 for the amount of Rs.1,50,000/- of Saraswat Bank. It is issued in my name. The said cheque is issued by accused. It bears signature of accused. The contents therein are


21/2/24

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
COURT NO.6, ULHASNAGAR

SCC No. 10296/2024

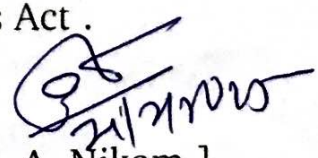
ORDER BELOW EXH. 1

Perused the complaint. As per the general directions regarding procedure to be adopted, given by the Hon'ble Supreme Court in the case of *Indian Bank Association & Ors. Vs. Union of India & Ors. in Writ Petition (Civil) No.1 of 2013* decided on 21st April, 2014, the complainant has filed evidence affidavit and original documents along with list. Heard learned advocate for the complainant. It appears that accused has prima facie committed the offence punishable under Section 138 of N.I. Act and triable within the jurisdiction of this Court. As such, there are sufficient grounds to proceed against the accused for offence punishable under section 138 of The Negotiable Instruments Act. Hence, I pass the following order:

ORDER

The summons/process be issued against the accused for offence punishable under Section 138 r/w. 141 of The Negotiable Instruments Act .

Place-Ulhasnagar.
Date:- 21.2.2025.


[A. A. Nikam]
Judicial Magistrate First Class,
Court No.6, Ulhasnagar.

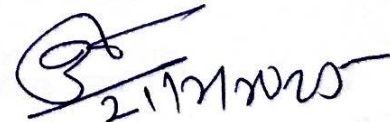
true and correct. It is marked as Exh.8.

17. I am now shown the original cheque return memo dated 11.9.2024 of Saraswat Bank. It bears seal of bank and signature of authorized signatory. It is marked as Exh.9.

18. The notice is issued to accused. The original notice dated 25.9.2024 along with two postal receipts now shown to me, are same. The notice bears signature of advocate. The contents therein are true and correct. The notice along with two postal receipts are marked as Exh.10(colly). I am now shown two tracking reports having consignment no.RM589714976IN and EM228701953IN by which the notices are delivered to accused. The tracking reports are marked as Exh. 11 (colly).

Examination in chief is over.

R.O.A.C.



[A. A. Nikam]

Place-Ulhasnagar.

Date:- 21.2.2025.

Judicial Magistrate First Class,
Court No.6, Ulhasnagar.