

ORDER BELOW EXHIBIT 1
Rraynex Pharmaceuticals Private Ltd. through G.M v/s Excura Healthcare
LLP and another

Perused Complaint, Affidavit, documents annexed including authority letter, photocopies of purchase order, tax invoice, two cheques, two cheque return Memo, office copy of notice by Advocate, postal receipt, print out of postal track report. Perused Affidavit on behalf of the Complainant. Heard Ld. Advocate for the Complainant. It is the case of the Complainant that, the Accused had purchased goods from the Complainant. Towards its payment, the Accused issued two cheques in the favour of the Complainant. Upon submitting the said cheques in the concerned bank, the said cheques were returned for reason "Funds Insufficient". Advocate for the Complainant issued a Notice to the Accused, which appears to be served upon the Accused. It is submitted that, despite the same, the Accused has not honoured the said cheque. That despite knowledge of dishonor of cheque and issue of notice, the Accused has not paid the amount due.

2. As per Section 223 BNSS (Section 202 Cr.P.C.), inquiry was conducted before the undersigned. Complainant has examined himself and submitted original cheques and memos were submitted by the Complainant. Complaint is supported with Affidavit of the Complainant and relevant documents. This Court has taken note of the judgment dated 28/04/2025 of the Hon'ble Karnataka High Court in *Ashok Siddappa Bankar Vs. Fayaz Ahmad Aurangzeb Naikar* wherein reliance was placed on the judgment of the Hon'ble Madurai Bench of Madras High Court in Criminal OP(MD) NO. 19778/2022 and other connected matters between *M/s. Ultimate Computer Care and Anr. Vs. M/s. S.M.K. Systems* decided on 12/02/2025 and the order dated 16/04/2021 of the Hon'ble Supreme Court in Re: Expeditious trial of cases under Section 138 of NI Act in Suo Motu Writ Petition (Criminal) No. 2/2020 regarding guidelines for

expeditious disposal of complaints under the Negotiable Instruments Act. It was *inter alia* held in Ashok (*supra*):-

“23. Since Negotiable Instrument Act, 1881 is special enactment and in view of Section 5 of BNSS r/w Section 143 of NI Act as far as the cases tried by the learned Magistrates under Section 138 of NI Act, there is no need for the Magistrate to give an opportunity of being heard to the accused before taking cognizance on the complaint of payee/holder in due course of cheque for offence punishable under Section 138 of NI Act.”

3. Hence, in view of the aforesaid judgment in Re: Ashok and the directions of the Hon'ble Supreme Court in *Suo Motu* Writ Petition (Crl.) No. 2/2020 in Re.: *Expeditious Trial of Cases under Section 138 of N.I. Act, 1881*, in the present facts it appears that there is no need to issue notice to the accused before issuance of process. Based on the material before me, *prima facie* the Complaint appears to be within limitation; and there appears to be *prima facie* material against the Accused for offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Hence, I pass the following order:-

ORDER

Issue summons to the Accused for offence punishable under Section 138 of the Negotiable Instruments Act, 1881; as per Section 204 of the Code of Criminal Procedure/Section 227 BNSS. Parties to take note of judgment dated 16th April 2021 of the Hon'ble Supreme Court in *Suo Motu* Writ Petition (Crl.) No. 2/2020 in Re.: *Expeditious Trial of Cases under Section 138 of N.I. Act, 1881* and Section 145 of the Negotiable Instruments Act.

Sd/-

Date: 01/08/2025
Place: Palghar

(Smt.P.S.G. Chalkar)
Judicial Magistrate First Class,
(Court No. 2), Palghar

Typed from Hand written Order below Exhibit 1

As mentioned by Ld. Advocate for Complainant, case is taken on board today. *Vide* Section 403 BNSS (earlier Section 362 Cr.P.C.) words “Section 227 BNSS” are added to correct clerical error.

Date: 04/08/2025

Place: Palghar

(Smt.P.S.G. Chalkar)
Judicial Magistrate First Class,
(Court No. 2), Palghar

Name of Stenographer	---	Suraj S. Saddiwal (Grade-3)
Court	---	2 nd Jt.CJJD & JMFC Palghar
Date	---	01.08.2025
Order signed by the Presiding Officer on	---	01.08.2025
Order uploaded on	---	02.08.2025
Order corrected <i>vide</i> Section 403 BNSS	--	04.08.2025
Corrected Order uploaded on	---	05.08.2025