



CNR No. MHWR030085242024

S.C.C. No. 50/2025

Jai Mahakali Nagari Vs. Yogendra

**ORDER BELOW EXH. 01**

This is a complaint under Section 138 of the Negotiable Instruments Act. The matter is at the stage of evidence.

2. Today the complainant & its Ld. Advocate appeared. Further, in furtherance of evidence adduced below Exh. 06, the documents filed with lists at Exhs. 04 & 27 came to be exhibited. Thereafter, Ld. Advocate for complainant filed pursis (Exh. 42) intimating his grievance about not marking certain documents as exhibits.

3. It is pertinent to note that, the reason for not marking the documents as exhibits is mentioned in the order below Exh. 06 dated 13/01/2026. *Needless to mention*, the complainant will be at liberty to challenge the same. Further, complainant has filed certain copies of documents with the list at Exh. 23 and has filed its original with the list at Exh. 27. Hence, the copies are not considered as the original were on record and marked as exhibits.

4. As to the document at Sr. No. 10 in the list at Exh. 23, it is a verified copy. However, as per provisions of Section 4 of the Bankers Books Evidence Act, 1891, only the certified copy of such entry in the Bankers Books can be received as evidence. However, as mentioned above document at Sr. No. 10 in the list at Exh. 23 is only a verified copy, not certified copy. Hence, said document can also not be exhibited.

5. Said fact was also brought to the notice of Ld. Advocate for complainant, with direction to take appropriate steps. However, he instead chose to file the *pursis* at Exh. 42. Hence, the same is taken on record. Further, note of the conduct of the Ld. Advocate for complainant is also taken for future reference.

6. Both parties to take note of this order.

Date : 13/01/2026  
Wardha

(Vickrant P. Khandare)  
Judicial Magistrate First Class, Wardha.  
(Court No. 1)