

ORDER BELOW EXHIBIT-1 IN SCC NO.161-2023

1. Perused the complaint, verification and documents placed on record.
2. Heard Mr.P.D.Wanare, Learned advocate for the complainant. Averments in the complaint *prima-facie* constitute offence punishable Under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as “N.I. Act”). The complainant is verified. He deposed that the documents filed on record are *prima-facie* sufficient material to issue process against the accused.
3. On perusal of the documents it appears that the verification and examination of documents are sufficient ground to proceed as per Section 204 of Cr.P.C.
4. After verifying original cheque, memo of cheque returned and demand notice, acknowledgment there is sufficient material to issue process against the accused. The cheque has been dishonored on 13.12.2022 and the concerned bank has issued return memo on 16.12.2022. The complainant issued notice to the accused on 02.01.2023. The track consignment report filed below list Exh.3 shows that the notice has been received by the accused on 18.01.2023. The complaint is presented on 16.02.2023. The perusal of aforesaid documents shows that the complaint is within the period of limitation. The accused reside within the jurisdiction of this Court. The documents placed on record are sufficient to issue process against the accused. Hence, I proceed to pass the following order :-

ORDER

1. Issue process against the accused vide Section 204 of the Code of Criminal Procedure, 1973 for the offence punishable under Section 138 of N.I.Act, returnable on _____.

Sd/-

Malegaon
Date : 20.02.2023

(Pravin U.Kulkarni)
Judicial Magistrate First Class
(Court No.2) Malegaon.