

ORDER BELOW EXHIBIT-1 IN SCC NO.1068 OF 2023

1. Perused the complaint, verification and documents placed on record.
2. Heard Mr. V.S.Sahastrabuddhe, Ld. Advocate for complainant. Averments in the complaint *prima-facie* constitute offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the "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 documents it appears that, 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, postal receipt and acknowledgment there is sufficient material to issue process against the accused. The date of cheque is 08.09.2023. Cheque is dishonored on 07.10.2023 and the concerned bank has issued return memo on same day. The complainant issued notice to the accused on 21.10.2023. The track consignment report and acknowledgment shows that the accused received the said notice on 25.10.2023. The complaint is presented on 27.11.2023. The perusal of aforesaid documents shows that the complaint is within the period of limitation. The accused resides within the jurisdiction of this Court. The examination of documents placed on record, the affidavit of complainant below Exh.07 are sufficient to issue process against the accused. Hence, I proceed to pass the following order :-

ORDER

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 **01.02.2024**.

Place : Malegaon
Date : 03.01.2024

[Pravin U.Kulkarni]
J.M.F.C. (Court No.2) Malegaon
Dist. Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word, as per the original Order.

Name of the Stenographer : **Shivam B. Patange (L.G.)**

Court & Judge Name : P.U.Kulkarni,
Jt.C.J.J.D & J.M.F.C, Malegaon.

Date of Order : 03.01.2024

Order signed by the

Presiding Officer on : 03.01.2024

Order uploaded on : 03.01.2024