

ORDERS UNDER SECTION 227 of BNSS 2023

The complainant has filed a complaint under section 223 of BNSS 2023. against the accused for the offence punishable under section 138 of NI Act. Sworn statement of the complainant is recorded. The complainant has also produced cheque and other relevant documents to demonstrate that, the accused has committed an offence punishable under section 138 of NI Act. The said documents are marked at Ex.P.1 and Ex.P.1(a) and Ex.P.2 to Ex.P.5. Perused sworn statement which corroborates with the averments of the complaint. It is also shown that, the complainant has complied with all mandatory provisions of section 138 NI Act. The cheque is dated: 02.04.2026, the endorsement dated: 02.04.2026. The legal notice dated: 10.04.2026. The notice was duly served on 11.04.2026. The complaint came to be filed on 22.05.2026. Hence, the complaint filed is within the prescribed time under the statutory period and thereby the complainant has made out of prima-facie case to attract offence P/U/S 138 of NI Act. Accordingly, this court proceeds to pass following:

ORDER

Register a criminal case against the accused for the offence punishable under section 138 of NI Act in Register No.III.

Further, in view of the decision of Hon'ble Supreme Court in **(2014) 5 SCC 590** in *Indian Bank Association & Ors. V/s Union of India & Ors.*, the

sworn statement of complainant shall be treated as his examination-in-chief.

Issue process against the accused if complainant complies with all requirements.

Issue summons to accused through speed post U/s 227 of BNSS if PF paid and also to furnish the copy of complaint along with summons.

R/by 17.10.2026

(PRATHEEKSHA PAWASKAR)
Addl. Civil Judge & JMFC.,
Srirangapatna