

ORDER

Complainant present.

Sworn statement recorded.

Complainant got Marked Ex.P1 to 5.

Heard complainant.

The present private complaint is filed by the complainant U/S 223 of BNSS against the accused for the offenses punishable under section 138 of Negotiable Instrument Act with allegations that the accused is due to him to the extent of Rs.12,00,000/-.

2. After presenting the complaint, this Court took the cognizance and ordered to register the case in PCR register. Thereafter, the complainant has filed his affidavit as sworn statement and relied upon documents produced with complaint.

3. Heard and perused the materials.

4. **The following point that would arise for my consideration.**

1. Whether the complainant has made out grounds to register the present case as a criminal case against the accused?

5. The above said point is answered in the Affirmative as per final order for the following;

REASONS

6. **POINT NO.1:** It is quite evident from the materials that the accused is due to the complainant to the tune of Rs.12,00,000/- and therefore, he issued cheque bearing No. "048262" which came to be dishonored when it was presented for encashment in Canara Bank, Jade Branch on with remark "Funds Insufficient". Therefore, the complainant got issued notice to the accused. But accused didn't paid the amount. Therefore the complainant constrained to file the present private complaint. Further, it is quite evident from the records that the complainant has complied the proviso of section 138 of Negotiable Instruments Act and thus, the complainant has made out the case against the accused to proceed further and therefore, this Court has tentatively come to the conclusion with an opinion that the complainant has made out grounds. In view of the reasons stated above I am inclined to answer the above said point in the

Affirmative and thereby, I proceed to pass the following;

ORDER

The complainant has made out a prima facie case against the accused for the offenses punishable under section 138 of N.I.Act therefore, office is directed to register the present case as a criminal case.

Issue summons to accused by through RPAD, if PF and RPAD cover furnished.

Call on 17.08.2026.

C/C I Addl. Civil Judge & JMFC.,
Soraba.