



Summary Cases/38/2025
ANKIT ASHWIN SHAH Vs. DHANWANTI C
MYATRWAR

IN THE COURT OF JUDICIAL MAGISTRATE(FIRST CLASS),
58TH COURT, BANDRA, MUMBAI
ORDER BELOW EXH.1

Read complaint and verification statement. Perused documents. Heard advocate for the complainant.

2. In view of extensive Guidelines of Hon'ble Supreme Court in the case of *Sanjabij Tari Vs. Kishor S. Borcar, 2025, SCC Online S.C. 2069 dated 25.09.2025*, there is no necessity to issue notice under section 223 of BNSS 2023. Therefore, even though earlier notice is issued to the accused, no legal necessity appears to wait for report of the notice as expeditious trial is warranted by law.

3. Averments made in the complaint are supported by an affidavit. The cheque is issued by accused. The accused is not resident within the limits of jurisdiction of this court. However, during inquiry u/sec.202 of Cr.P.C. and u/sec.225 of BNSS 2023, it reveals that cause of action has arose within the limits of jurisdiction of this court. I found prima facie substance and grounds to proceed against accused for dishonor of cheque and failure to pay the cheque amount on demand. Hence, issue process against the accused for the offences punishable u/sec.138 of Negotiable Instrument Act on PF.

4. Issue summons to accused alongwith the copy of the complaint, all documents and copy of affidavit of complainant's evidence with specific remarks as to liberty of accused to pay the amount of cheque in question on the first date of his appearance in the case as per the guidlines of Honourable Supreme Court.

5. Process R/o.27.01.2026.

Mumbai,
Dated : 27.10.2025

(M. P. Saraf)
Judicial Magistrate(First Class),
58th Court, Bandra, Mumbai.
J.O.Code – MH01362

CERTIFICATE

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

Name of Stenographer	: Mrs. Aditi Ravikiran Dalvi
Court	: Judicial Magistrate(First Class), 58 th Court, Bandra, Mumbai.
Dictated in open court on	: 27.10.2025
Transcribed and Typed on	: 27.10.2025
Order printed and Signed on	: 27.10.2025
Order Uploaded on	: 27.10.2025