

Case called out. Complainant present. Perused the complaint against the accused for the offence p/u/sec. 138 of NI Act in supports of the complainant's case, sworn statement of complainant has been recorded. The complainant has also produced documents in support of his case and marked as Ex.P1 to Ex.P5. The Ex.P1 is cheque, and signature of the accused Ex.P1(a), Ex.P2 is the bank endorsement, Ex.P3 is the legal notice, Ex.P4 is the postal receipt, Ex.P5 is the postal acknowledgment.

The materials from the record discloses that, the cheque has been produced for encashment, within time. The cheque is not encashed for the reasons of **“Funds Insufficient”** as per the bank endorsement. The complainant caused the legal notice to the accused, after the dishonor of cheque and receiving the bank endorsement within time. The Complaint has been filed within prescribed time under the statutory period and thereby the complainant prima facie made out all statutory ingredients to attract the offence p/u/sec. 138 of NI Act. Therefore, this court is of the opinion that the complainant has made out, prima facie case U/sec.138 of NI Act. Hence, I proceed to pass the following:

ORDER

Register the Case as a Criminal Case in Register No. 3 against the accused for the offence punishable Under Section 138 of NI Act.

Issue Summons to the Accused through RPAD, U/sec.227of BNSS if RPAD and PF are paid and also to furnish the copy of the complaint along with the Summons Returnable by 20-08-2026.

II Addl. C.J & JMFC., Mandya.