



In the Court of :II ADDL.CIVIL JUDGE AND JMFC

Case No. :P.C.R./0000539/2024

Kumar K.M. S/o. Late Manje Gowda, 52 years, Business, Vs Naveen Kumar H.P. S/o. Putte Gowda, 32 yrs, PWD contractor,

Date : 19-09-2024

Business

: Complainant is present. Advocate for complainant filed an affidavit in lieu of Sworn Statement. The Sworn Statement will be considered as examination in chief after the appearance of accused as per the guidelines of Indian Bank Association Case. Hence, the complainant is put to witness box now and is examined as PW-1 instead of CW-1 and documents are marked in P Series now itself in order to avoid remarking of the same documents and for speedy disposal. Ex.P.1 to Ex.P-6 are marked. Heard from the counsel for the Complainant. O R D E R The Complainant has filed this Complaint U/Sec. 223 of BNSS against the accused for the offence punishable U/Sec.138 of N.I. Act. Complainant is present and files his affidavit in lieu of sworn statement. Ex.P-1 to Ex.P-6 are marked. On perusal of the materials on record, it shows that, the cheque was issued in the name of the Complainant by the Accused and the said cheque was presented to the Bank during its period of validity . The said cheque was dishonoured by the Bank and the Bank endorsement depicts the same. Further, the Complainant has issued legal notice through his counsel calling upon the Accused to make payment of cheque within 15 days from the date of receipt of notice. It is seen that, the Accused has not made payment of the cheque amount to the Complainant. The Complainant has duly complied with all the ingredients of section 138 of NI Act. Therefore, there are sufficient materials to proceed against the accused for the offence punishable U/Sec.138 of N .I. Act. On perusal of complaint averments and circumstances of the case, it appears to this Court that, the nature of the case is such that the sentence of imprisonment for a term exceeding one year may have to be imposed. If the accused persons are tried summarily it may not be possible to award compensation out of the fine amount that may be imposed. Therefore, it is undesirable to try this case summarily. Further, if this case is tried summarily, the evidence which is recorded by me cannot be acted upon my successor in view of the bar U/Sec.365(3) of BNSS. In the result, I proceed to pass the following. O R D E R The case is converted into summons

case. Cognizance of the offence P/U/Sec.138 of NI Act is taken against the Accused. Office is directed to register this case as CC in register No.III C.C.R. Issue summons to the accused person through RPAD, If PF and RPAD are furnished, calling upon him if he intends to plead guilty or has any defence to make on his behalf. Returnable by 20.11.2024

Nature of Disposal : REGISTERED AS CC

Disposal Date : 19-09-2024

sd/-

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