

C.R Case 13 of 2025 Reg. No. 07 of 2025

Order No. 13

Dated 10.04.2026

Today is fixed for appearance and plea.

Complainant is present through his Ld. Advocate.

Accused on court bail is present.

Heard both sides.

The case record is taken up for recording plea.

Considered.

Prima facie, there is ground for presumption that the accused person has committed offences u/s 138 of N.I. Act. The following substance of accusation is stated to the accused persons in Hindi -

"It has been alleged that you issued a Cheque bearing no. 000003 dated for an amount of Rs.4,00,000/- drawn on UCO Bank, Badantam TE Branch, Darjeeling in lieu of discharge of your financial liabilities towards the complainant on 15.01.2025 which was returned on 15.01.2025 by UCO Bank, Badantam TE Branch, Darjeeling due to insufficient fund in your bank account where it was deposited for its encashment. Thereafter, complainant sent a notice dated 21.01.2025 through his Ld. Advocate calling upon you to return the said amount due to dishonoured Cheque within fifteen days from the date of issue of the notice but even after receiving the notice on 22.01.2025 you failed to return the said amount within the stipulated fifteen days of the received thereof and thereby you committed an offence u/s 138 of N.I. Act. Do you plead guilty or not guilty ?"

Having understood the nature of accusation, the accused person pleads not guilty by saying "*kasur chaina* " in Nepali and on being asked by the court she admitted that the cheque belongs to her account as well as the signature on the cheque and had been delivered to the complainant bank while taking loan. She desires to compound the case.

The accused is present and verbally submitted that she wishes to compound the case, this court does not find any impediment to allow the instant petition.

Since the accused wishes to compound the case let the case be referred to mediator.

Let the case record be referred to the office of the District Legal Services Authority, Darjeeling, for mediation as per the provision of Sec. 89(2)(d) of the Civil Procedure Code.

Let the part of the case record alongwith this order be sent to the Secretary, District Legal Services Authority, Darjeeling, for disposal.

Parties are directed to appear before the District Legal Services Authority, Darjeeling, on 11.05.2026.

The Court having heard the parties and having determined that there is possibility of settlement of the issues by mediation, orders that the parties shall attend mediation as provided by the Court at no cost to the parties.

The parties and their advocates, if any, shall report to the Ld Mediator at the office of Secretary, District Legal Service Authority, Darjeeling on **11.05.2026** at 11 **am**. If it is not possible to mediate the case on the date fixed, the Mediation Center/Ld Mediator/Concerned Authority of DLSA, Darjeeling will arrange a future date for mediation convenient to the parties, if necessary.

If a settlement agreeable to the parties is reached, the terms shall be recorded by the Ld Mediator and signed by the parties/their advocates/counsels and returned to this Court for further appropriate order.

If no settlement is reached, neither the parties, the advocates nor the Ld Mediator may disclose anything that was discussed at the mediation.

The Mediator is entitled to get his honorarium of Rs.3000/- after settlement as per Rule 26A Sub-Rule 1(a) of the Calcutta High Court, Appellate Side, Notification No. 3116-G dated 18.09.2017.

To **22.05.2026** for report from D.L.S.A., Darjeeling.

Dealing Assistant to do the needful.

D & C by me

*Chief Judicial Magistrate,
Darjeeling*

*Chief Judicial Magistrate
Darjeeling*