

Criminal Inquiry No.347 of 2026

Order below Exhibit-1

Perused the complaint with documents, this complaint is filed under section-138 of Negotiable Instrument Act-1881. As per direction of Hon'ble Supreme court of India in Writ Petition (Civil) No. 18/2013, in the case of Indian Bank Association.. directed that, Metropolitan Magistrate/Judicial Magistrate (MM/ JM), on the day when the complaint under Section 138 of the Act is presented, shall scrutinize the complaint and, if the complaint is accompanied by the affidavit, the affidavit and the documents, if any, are found to be in order, take cognizance and direct issuance of summons.

Furthermore the Hon'ble Supreme court of India directed in Suo Motu Writ Petition (CRL.) No.2/2020 that Inquiry shall be conducted on receipt of complaints under Section 138 of the Act to arrive at sufficient grounds to proceed against the accused, when such accused resides beyond the territorial jurisdiction of the court. On perusal of the complaint, it is clear that the accused resides beyond the territorial jurisdiction of this court. Hence this court made the inquiry and found that, an accused of this complaint resides beyond the territorial jurisdiction of this court but prima facie found that the cheque was issued by the accused and complainant deposited said cheque in his bank account, which is maintained at Bharuch and said Cheque dishonored, hence as per section 138(b) of the Act, notice was issued by complainant to accused but accused failed to make payment of cheque amount within time. Hence this court has jurisdiction to take cognizance of this complaint u/s. 142(2) (a) of the N.I. Act.

Perused the entire record of the present complaint. Considering the facts of the present complaint, examination in chief of the complainant u/s. 145 of N.I. Act and documentary evidence produced on record, prima facie case appears against the accused for an offence u/s. 138 of N.I. Act. It is therefore hereby ordered that the present complaint to be registered as Criminal Case and Summons be issued against the accused u/s. 227 of B.N.S.S. for an offence u/s. 138 of N.I. Act returnable on dt. **07.08.2026** And Criminal Inquiry disposed of accordingly.

Dt.03/07/2026

Place- Bharuch

(A.K.Mehta)
3rd Judicial Magistrate
F. C. Bharuch.
[Judge Code : GJ 01771]