

E-filing

S.C.C. No. 8436/2026
Sunita Dharmendra Jhade
Vs
Chandrashekhar Ingale

ORDER BELOW EXH.1
(Passed on 11.08.2026)

Perused the complaint (Exh.01). The vakalatnama (Exh.02) of learned Advocate of complainant is seen and filed. The list of document (Exh.03) is also seen and filed. The verification affidavit of the complainant (Exh.04) is read and recorded. Heard the learned Advocate of complainant.

2. It is just to note that in case of ***Sanjabij Tari V/s. Kishor S. Borcar (2025 INSC 1158)***, wherein the Hon'ble apex Court clarified that proceeding under Section 138 of the Negotiable Instrument Act, 1881 governed by the special procedure, and therefore, issue of precognizance notice under Section 223 of the Bhartiya Nagrik Suraksha Sanhita, 2023 would defeat the object of speedy disposal of the cheque bounce cases and thereby it would frustrated the scheme of Negotiable Instrument ACT, 1881. As such, pre-cognizance notice is not necessary to be issued under the present case of cheque dishonour matter.

3. On hearing the learned Advocate of complainant and on perusal of complaint, verification affidavit and documents placed below list Exh.03, it appears that accused alleged to be issued the cheque in question. The material placed on record prima facie shows that the accused issued the cheque in question and said

cheque was dishonoured when presented for encashment and thereby demand notice in writing issued to the accused, but the failed to make good payment of said dishonoured cheque instead due service of notice. As such, there is prima facie case against the accused in respect to the commission of offence punishable under Section 138 of the Negotiable Instrument Act, 1881 and thereby process can be issued against him. Accordingly, I pass the following order.

ORDER

- 1] Issue process against the accused in respect to commission of offence punishable under Section 138 of the Negotiable Instrument Act, 1881 vide Section 227 of the Bhartiya Nagrik Suraksha Sanhita, 2023 on PF.
- 2] The concerned Clerk to issue summons to the accused along with copy of the complaint in compliance with Section 227(3) of the Bhartiya Nagrik Suraksha Sanhita, 2023
- 3] Permission is granted to the complainant to serve the summons by RPAD mode at the expenses of the complainant.

Date : 11/08/2026
Place : Nagpur

(Anand Y. Borkar)
13th Additional Chief Judicial
Magistrate, Nagpur