

ORDER PASSED BELOW EXH.1 IN S.C.C. No.2637/2024

The complainant and his learned advocate are present. Perused the complaint and documents. The complainant has filed affidavit in support of the complaint.

2. The cheque (Exh.3/1) shows that it is prima-facie signed by accused. It is settled that only signatory to the cheque can be prosecuted for the offence punishable under section 138 of the Negotiable Instrument Act, 1881. All essential ingredients of the offence punishable under section 138 of the Negotiable Instrument Act, 1881 are prima-facie made out against accused. Hence, as per the directions given by Hon'ble Apex Court in Indian Bank Association & others Vs. Union of Indian & Others, AIR 2014 SC 2528, cognizance of offence punishable under section 138 of the Negotiable Instrument Act, 1881 is taken. Thus, I pass following order:-

ORDER

Issue process against accused for an offence punishable under section 138 of the Negotiable Instrument Act, 1881.

Date :20/02/2024

Sd/-
(A. V. Musale)
JMFC, Court No.08,
Aurangabad.