

MHMM180087922023



Summary Cases/5800607/2023
Yash Girish Rupani Vs. Haresh Girdharilal
Chhabria

IN THE COURT OF JUDICIAL MAGISTRATE(FIRST CLASS), 58TH COURT,
BANDRA, MUMBAI
ORDER BELOW EXH.1

1. Read the complaint, verification. Perused the documents filed on record. Heard advocate for the complainant. He relied upon the Judgment in the case of **Amar Juice and Restaurant LLP Vs. State of Maharashtra, reported in 2023(3) ABR (CRI)183** delivered by the Hon'ble Bombay High Court. Therefore, even though the transaction of loan seems on interest, the question as to illegal money lending transaction can be decided at the time of trial.
2. The contents of the complaint are supported by affidavit. The cheque in question is issued by accused for the legal liability or debt. The accused is not resident within the limits of jurisdiction of this court. However, during inquiry u/sec.202 of Cr.PC. it reveals that cause of action has arose within the limits of jurisdiction of this court. I found substance and grounds to proceed against accused on the basis of inquiry held and documents on record. Prima facie substance is found to proceed against accused for dishonour of cheque and failure to pay the cheque amount on demand. Hence, issue process against the accused for the offences punishable u/sec.138 r/w.sec.141 of Negotiable Instrument Act on PF.
3. The summons to accused be sent alongwith the copy of the complaint, all documents annexed to the complaint and copy of affidavit of complainant's evidence with specific remarks as to liberty of accused to pay the amount of cheque in question on the first date of his appearance in the case as per the guidelines of Honourable Supreme Court.
4. Process R/o.13.01.2025.

Mumbai,
Dated : 22.10.2024

(M. P. Saraf)
Judicial Magistrate(First Class),
58th Court, Bandra, Mumbai.
J.O.Code – MH01362

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word as per the original Order.

Name of Stenographer	: Mrs. Aditi Ravikiran Dalvi
Court	: Judicial Magistrate(First Class), 58 th Court, Bandra, Mumbai.
Dictated in open court on	: 22.10.2024
Transcribed and Typed on	: 22.10.2024
Order printed and Signed on	: 22.10.2024
Order Uploaded on	: 22.10.2024