

ORDER ON ISSUE OF PROCESS

01.This private complaint is filed by the complainant against the accused alleging the offence punishable under section 138 of N.I. Act.

02. It is alleged in the complaint by the complainant that, the accused has borrowed a loan of Rs. **1,50,000/-** from him for the purpose of his urgent family necessity and I have advanced a loan of Rs.1,50,000/- as loan repayable on demand and the on the same day period. And he has issued a post dated cheque dated **22-11-2017** bearing Cheque No. **544307** in favour of the complainant for Rs. **1,50,000/-** drawn on State bank of India, Kudligi Branch. The said cheque was presented by the complainant for collection in Pragathi Krishna Gramina Bank, Kudligi Branch. The Bank Authorities dis-honored the said cheque on the ground of insufficient funds in the account of accused. Thereafter, the complainant has issued legal notice dated **05.12.2017** to the accused. Thereafter, the accused failed to make payment of the said cheque amount to the complainant. Hence, the complainant has filed this complaint.

03. Heard.

04. The complainant is examined as CW-1. The complainant in his sworn statement has reiterated all the complaint averments. To support his contentions, the complainant got marked original cheque issued by the accused, bank memo, legal notice and other connected documents at Ex.P-1 to Ex.P-06. The complainant has made out prima-facie case against the

accused for having committed offence under section 138 of N.I. Act.
Hence I proceed to pass the following :

:: ORDER ::

Acting under section 190(1)(a) and 204 of Cr.P.C., cognizance is taken against the accused for the offences punishable under section 138 of N.I. Act.

Register the case in C.C.Register No.III and Issue summons to the accused

Call on:-

JMFC., Kudligi