

ORDERS UNDER SECTION 204 CR.P.C.

The complainant has filed a complaint under section 200 of Cr.P.C. against the accused for the offence punishable under section 138 of NI Act. Sworn statement of the complainant is recorded. The complainant has produced cheque and other relevant documents to demonstrate that, the accused has committed an offence punishable under section 138 of NI Act. The said documents are marked at Ex.P1 to 6, 1(a) and 6(a). Perused sworn statement which corroborates with the averments of the complaint. It is also shown that, the complainant has complied with all mandatory provisions of section 138 NI Act. The cheque is dated: 03.11.2017. The legal notice dated:

16.11.2017. The complaint came to be filed on 13.12.2017. Hence, the complaint filed is within time. On perusal of materials placed on record, at this juncture, this court is satisfied that there are *prima-facie* materials to proceed against the accused. Accordingly, this court proceeds to pass following:

ORDER

Register a criminal case against the accused N for the offence punishable under section 138 of NI Act in Register No.III.

Looking at pendency of the case before this court, this court deems it proper to try this case as summons case.

Further, in view of the decision of Hon'ble Supreme Court in **(2014) 5 SCC 590** in *Indian Bank Association & Ors. V/s Union of India & Ors.*, the sworn statement of complainant shall be treated as his examination-in-chief.

Issue process against the accused by way of RPAD if complainant complies with all requirements.

For appearance of accused and recording of plea of accused by 17.03.2018.

Prl. Civil Judge & JMFC.,
Chitradurga.

