

Case Called.

Complainant present and examined as CW-1. His affidavit in lieu of chief examination is filed.

CW-1 fully examined. Sri KSP Advocate present and submits no further evidence.

By considering the submission of learned counsel inquiry taken as closed.

I heard Sri KSP Advocate. Office is directed to keep the original cheque in safe custody till further orders.

For orders kept.

JMFC: Belur

In this case, the complainant has filed complaint against the accused for the offence punishable U/S 138 of NI Act.

The materials reveals that the accused has issued the cheque bearing No. 346657 pertaining to SBH, Mahalakshmi Layout Branch, Bengaluru and as per the assurance of the accused the complainant has presented the said cheque for collection through his Bank. Further the materials indicates that the cheque returned on paid for want of sufficient funds in the account of the accused. After the receipt of the cheque along with the endorsements issued by the concerned Banks, the complaint has issued demand notice to the accused and insisted for making of payment of amount as mentioned in cheque.

The notice which has been issue to the accused returned as not claimed. The service held sufficient, though he has not taken any steps to refund the amount.

These facts constitutes the ingredients of Sec.138 NI Act. From these facts it is crystal clear that the accused has involved in commission of the offence as alleged. The complainant has given his sworn statement and also placed proper materials. From all the facts and circumstances, I am of the opinion that the complainant has made out proper grounds to proceed with the matter against the accused.

Accordingly I proceed to pass following:

:: ORDER ::

The cognizance is taken for the offence punishable U/S 138 of NI Act.

Register the case against the accused in Register No.III.

Office is hereby directed to keep the Original cheque in the Safe custody till further orders.

Issue Summons to the accused if PF is paid and sufficient copies of complainant and documents are furnished.

Returnable by 26.04.2018.

JMFC:Belur