

**S.C.C. No.02/2018**  
**Nagorao Vs Sanjay**  
**CNR-MHBI17-000008-2018**

**Order below Exh.No.01**  
(Passed on 09<sup>th</sup> day of February 2018 )

Perused record and proceeding of the recent case. This is complaint case filed otherwise then on police report for the offence punishable under Section 138 of Negotiable Instrument Act 1881 vide Section 200 of the Code of Criminal Procedure, 1973. Heard learned advocate for complainant.

2. A perusal of record, it appears that the complainant Nagorao Hachu Rathod has filed affidavit Exh. 03 for verification and inter-alia contents all the material particulars of the complaint therein. Having considering the contention made herein, it appears that the accused is alleged to be issued a cheque in question, which was presented by the complainant for realization in his banker which was returned dishonour vide bank memo and thereafter the complainant issued legal notice calling upon him to pay amount of dishonour cheque, despite receipt of said notice, the accused is appeared to be paid no amount. From these material, it prima facie appears that, there is well founded accusation against the accused for the commission of offence punishable under Section 138 of the Negotiable Instrument Act, 1881 and there is prima facie material for proceeding against the accused. In the result, I pass the following order.

### **ORDER**

- 1] Issue process against the accused vide Section 204 of the Code of Criminal Procedure 1973 for the offence punishable under Section 138 of the Negotiable Instrument Act 1881 on process fees.
- 2] Concern clerk has to make sure that the summons may be issued accompanied with a copy of complaint.

Date : 09-02-2018.

Sd/-  
( K.K.Chafale)  
Judicial Magistrate, F.C.,  
Wadwani, District -Beed.