

Enquiry as per Sec.202 of Cr.P.C. held, on perusal of documents on record, sworn statement it appears that the complainant has made out prima-facie case hence though the accused is beyond the jurisdiction of this court, if summons is not issued to the accused great injustice will be caused to the complainant. Hence in the interest of justice. I proceed to pass following:

O R D E R

Office is directed to register the case against accused in Register No.III for the offence punishable under Section 138 of Negotiable Instruments Act.

As per section 142 of Negotiable Instrument Act-1881 which starts with non obstante clause which says that "notwithstanding anything contained in the Cr.P.C." Hence the provision of BNSS i.e.

section 223 of BNSS which prescribed issuance of notice to accused before taking of cognizance is dispensed i.e. Negotiable Instrument Act is special Act and section 142 of Negotiable Instrument Act and also speaks about non-absent a clause. Hence notice to accused is dispensed and cognizance for the offence under section 138 of Negotiable Instruments Act is taken.

Issue summons to the accused through RPAD if P.F and RPAD cover and necessary stamp is paid and copies furnished.

Call on: 04.02.2025

**IV ADDL. Civil Judge & JMFC,
Kalaburagi.**