

-5- ಪಿಡಬ್ಲ್ಯೂಃ 1 ಪಿ.ಸಿ.ಆರ್.ಸಂಖ್ಯೆ: 7953-2023

ದಿನಾಂಕ:29.11.2023 ರಂದು ಸಾಕ್ಷಿಗೆ ಪ್ರಮಾಣ ವಚನ ಬೋಧಿಸಲಾಯಿತು.

ದಂಡ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ ಕಲಂ.200 ರಂತೆ ಸಾಕ್ಷಿಯ ಪ್ರಮಾಣೀಕೃತ ಹೇಳಿಕೆ,

ನಾನು ನನ್ನ ಸತ್ಯ ಪ್ರಮಾಣ ಹೇಳಿಕೆಯ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಅದರಲ್ಲಿ ಬರೆದಿರುವ ಅಂಶಗಳು ಸತ್ಯವಾಗಿರುತ್ತವೆ. ದಾಖಲೆಯನ್ನು ಓದಿ ನೋಡಿ ಸಹಿ ಮಾಡಿರುತ್ತೇನೆ.

ನಿಪಿ.1 - ಆರೋಪಿ ನೀಡಿರುವ ಚೆಕ್ಕು,

ನಿಪಿ.1(ಎ) - ಚೆಕ್ಕಿನಲ್ಲಿರುವ ಆರೋಪಿಯ ಸಹಿ,

ನಿಪಿ.2 - ಬ್ಯಾಂಕ್ ಹಿಂಬರಹ ,

ನಿಪಿ.3 - ನೋಟಿಸ್ ನ ಕಚೇರಿ ಪ್ರತಿ,

ನಿಪಿ.4 - ಅಂಚೆ ರಸೀದಿ,

ನಿಪಿ.5 - ಅಂಚೆ ಸ್ವೀಕೃತಿ ಎಂದು ಗುರುತಿಸಲಾಯಿತು.

ಅದುದರಿಂದ ದೂರಿನ ಅನ್ವಯ ಪಾರ್ಥಿಸುತ್ತೇನೆ .

(ನನ್ನ ಉತ್ತರೇಖನದಂತೆ ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಬೆರಳಚ್ಚು ಮಾಡಲಾಯಿತು.)

(ಓ.ಹೇ.ಕೇ.ಸ.)

(ಮಂಜುನಾಥ.ಎಂ.ಎಸ್.,)

18 ನೇ ಎ.ಸಿ.ಎಂ.ಎಂ.,

ಬೆಂಗಳೂರು.

ಸಾಕ್ಷಿದಾರರ ಸಹಿ:

Complainant has filed affidavit in lieu of sworn statement and got marked Ex.P. 1 to 5 and 1(a).

Heard. Perused.

Reserved for orders.

18th Addl.C.M.M.Bangalore

ORDER

This is a complaint lodged under section 200 Cr.P.C alleging the commission of offence punishable under section 138 of Negotiable Instruments Act.

It is alleged that the accused in discharge of his liability has issued the cheque. Said cheque came to be dishonored. Despite service of demand notice the accused has not paid the cheque amount.

Perused the file. The complainant, along with the complaint, has filed affidavit and produced documents. As per the provisions of section 145 of NI Act, the evidence of complainant given on affidavit may be read in enquiry or trial. As per the directions issued by the Hon'ble Supreme Court of India in the matter between India Bank Association and others Vs. Union of India and another, if the complaint is accompanied by the affidavit, the Court may take cognizance and direct issuance of summons. Therefore, the affidavit filed by the complainant is treated as his evidence/sworn statement and got marked **Ex.P1 to 5 and 1(a), .**

A perusal of complaint, affidavit and documents on record shows that the cheque has been presented to the Bank, the demand notice in writing has been given to the accused within the time prescribed U/sec. 138(a) and(b) of N.I Act. It is stated that the accused has failed to make the payment of cheque amount within 15 days of the receipt of demand notice. The

complaint is made within the time prescribed U/Sec.142 of NI Act. There are sufficient grounds to proceed against the accused. Hence, in view of the above, I proceed to pass the following:-

ORDER

Office is directed to register the criminal case against the accused in Reg.No.III (Criminal) and issue summons to the accused through RPAD /by hand/through court:.
R/by : 29.12.2023.

(MANJUNATHA.M.S.,)
XVIII Addl.C.M.M, Bengaluru.