

Present: Sh. H.S.Kathpal for the complainant

In view of judgment of Hon'ble Supreme Court of India in case title **Sanjabij Tari Vs. Kishore S. Bolcar & Anr., 2025** the requirement of pre-cognizance notice to accused is dispensed with. Thereafter, complainant tendered affidavit **Ex.CA** along with documents and closed the preliminary evidence.

Heard. While hearing the submissions of learned Counsel for Complainant, it came to the notice of this Court that accused is not residing within jurisdiction of this Court and accordingly, the procedure as provided u/s 225 of BNSS is required to be followed. Since the complaint is totally based on documentary evidence, no benefit would be achieved by sending the matter to police for investigation, particularly when matter can be enquired by this Court in view of the judgment passed by the Hon'ble Apex Court in the case titled as **Sunil Todi & Ors. Vs State of Gujarat vide judgment dated 03.12.2021(SC-2021)**. Therefore, the tendering of documents by way of an affidavit along with other documents is hereby allowed by examining CW-1 as witness for the purpose of Section 225 BNSS.

CW1 is present and has tendered affidavit **Ex.CA** along with documents **Ex.C-1/CW1 to Ex.C-6/CW1** and closed his preliminary evidence.

Arguments on point of summoning of accused under Section 25 of The Payments and Settlement Systems Act, 2007. Heard.

In support of his complaint, learned counsel for the complainant submitted that the accused has issued Electronic Clearance System (ECS) mandate and issued standing instructions to his bankers and accordingly standing instructions were also returned unpaid. In view of the standing instructions accused did not stick to the payment schedule as agreed. Copy of Account Statement **Ex.C-2/CW1**. The ECS which was returned and dishonoured vide **Memo Ex.C-3/CW1**. Certificate u/s 63 of The BSA, 2023 **Ex.C-4/CW1**. Thereafter, the complainant personally approached the accused and also served a **Legal Notice Ex.C-5/CW1** through registered postal receipt **Ex.C-6/CW1** demanding the payment of ECS installment but the accused failed to repay the amount within stipulated time period.

In view of the above discussion, accused is hereby summoned u/s 25 of the Payment and Settlement Systems Act, 2007 which needs to be disposed off expeditiously as per directions of Hon'ble Supreme Court. Summons against accused through ordinary process as well as through registered post be issued for **11.03.2026**. Dasti may also be given, if required. Complainant is also at liberty to serve the summons by electronic means (email/mobile/whatsapp etc.) as per rules and shall file separate affidavits thereby verifying that the "electronic means particulars" are of accused and that service has been effected through that electronic medium.

Date of Order: 28.11.2025
Usha Kalra, *Stenographer*

(Jasbeer Singh)
Judicial Magistrate Ist Class,
Chandigarh/UID No . PB00490