

19 CC NI ACT 6873/2026

MS ASPEN DIAGNOSTICS PVT LTD Vs. DR ARUN MAITY

01.07.2026

Fresh case is received by way of assignment. It be checked and registered.

Present: Sh. Girish Gaur (through VC) and Sh. Dhruv Sharma, Ld. Counsels for complainant.

Matter is at the stage of consideration.

File perused. All the statutory requirements under NI Act are complied with. After perusal of the entire record, this court is of the considered opinion that prima facie case punishable u/s 138 of NI Act is made out against the accused. Cognizance of the same is taken.

Perusal of case file reveals that cheque in question was presented for encashment and was returned dishonored vide return memo. Accused has failed to make payment within the legally prescribed period despite the service of legal demand notice upon him. The complaint is within the territorial jurisdiction of this court and is within limitation. Enquiry u/s 225 BNSS conducted by scrutinizing documents.

Arguments on summoning heard.

Following the law laid down in **A.C. Narayanan Vs. State of Maharashtra & Anr. (2024) 11 SCC 790**, complaint, evidence by way of affidavit and documents considered. In view of complaint, documents produced and verification in the form of affidavit there are sufficient grounds for proceeding further against the accused for offence punishable u/s 138 NI Act.

Issue **summons** to the **accused**, on filing of PF within **three months**, through all modes.

Complainant is directed to supply the soft copy of complaint and documents to the accused well in time.

In case of online service, complainant is directed to file requisite affidavit with contact details of the accused and certificate U/s 63 BSA to show due service through online mode. Complainant is directed to file proof of service.

Summons should carry an endorsement that **accused is at liberty to settle the matter and pay the amount to the complainant by reaching out the complainant side 9810212384**, in view of the judgment passed by Hon'ble Supreme Court of India, in case titled as ***Sanjabij Tari Vs. Kishore S. Borcar & Anr., 2025 (SC)***.

Put up for **appearance of accused/ framing of notice/furnishing of surety** on 13.11.2026.

(URVI GUPTA)

J.M.F.C.-01(N.I.Act)/Central,
THC/Delhi/01.07.2026