

Present: Sh. Ashwani Sharma, Adv. Counsel for complainant.

Complainant is present and tender into evidence his duly sworn affidavit Ex. CA along-with document and closed his preliminary evidence.

Arguments heard on point of summoning. CW1 had stepped into the witness box and reiterated the whole sequence of event in minute details through his affidavit Ex. CA, as got detailed by him in his written complaint. Complainant also placed on record documents Ex.C1 to Ex. C 6 .

The complaint has been filed within the period of limitation. The detailed expression of opinion is avoided as it is no longer necessary in view of the observation of the Hon'ble Supreme Court of India in UP Pollution Board Vs Mohan Meekan 2000 (2) RCR 421 and reiterated in another case titled as Deputy Chief Controller of Import and Export Vs Roshan Lal Aggarwal 2003(2) RCR Criminal 110 (SC). Further, it has been held by various Hon'ble High Court's that at the time of issuing process, what Magistrate is required to find out is whether there is a prima facie case for issuance of process, the Magistrate has to take into consideration inherent improbabilities appearing on the face of the complainant or in the evidence led by the complainant in support of the allegation.

From the perusal of oral and documentary evidence adduced on the file in preliminary evidence led by the complainant, I find sufficient grounds to proceed against accused under Section 25 of Payment & Settlement System Act, 2007. Accordingly, accused is ordered to be summoned for 02.02.2026 to face trial for having committed an offence under **Section 25 of Payment & Settlement System Act, 2007**. Let notice to the accused be issued for the date already fixed. As per law laid down by Hon'ble Supreme Court of India in case titled as **Sanjabij Tari Vs. Kishore S. Borcar and Another** in criminal appeal No.1755 of 2010 decided on 25.09.2025 complainant shall furnish an affidavit stating that he got effected service of notice upon accused on date fixed. Dasti process be also issued.

Date of Order: 24.10.2025

Om Parkash-III

This order is directly dictated on computer.

(Gurdev Singh)

Judicial Magistrate - Ist Class, Ludhiana

UID No. PB0514