

IDFC FIRST BANK LIMITED Vs JAI KUSH SABHARWAL

Present: Ms. Srishti Sharma, proxy counsel for the complainant.

Complainant tendered into evidence his duly sworn affidavit Ex.CA along with documents Ex.C1 to Ex.C4 and thereafter closed the same. I have heard the learned counsel for the complainant and have gone through the file with his able assistance.

Perusal of file shows that accused is residing at the place beyond the jurisdiction of this court therefore, the court is duty bound to conduct enquiry u/s 225 BNSS (202 Cr.P.C.). Section 225 BNSS (202 Cr.P.C.) provides that any Magistrate on receipt of complaint of an offence of which he is authorised to take cognizance or which has been made over to him under Section 212 may, if he thinks fit, and shall, in case where the accused is residing at place beyond the area in which he exercises his jurisdiction, postpone the issue of process against the accused, and either enquire into the case himself or direct an investigation to be made by Police Officer or by such person as he thinks fit, for the purpose of residing whether or not there is sufficient ground for proceeding.

However, the scope of enquiry in complaints u/s 138 of N.I. Act u/s 225 BNSS is limited. The court can only rely upon the preliminary evidence adduced by the complainant and the documents attached with the complaint.

So, as per the mandate of Section 225 BNSS (202 Cr.P.C.) the undersigned has enquired into the case himself and scrutinized the documents carefully. On the basis of documents attached with the file and evidence tendered by the complainant in his preliminary evidence, this court is of the considered opinion that sufficient grounds are made out to summon the accused *under Section 25 of Payment and Settlement Act read with Section 138 of N.I. Act*.

I am fortified with this view by the authority laid down in *Bhupendra Kumar Kukreti Vs. State of Uttarakhand, (Uttarakhand) : 2023(2) NCC 458 and Usha Aggarwal @ Usha Agarwal V. M/s Citicorp Finance (I) Ltd., (Calcutta): 2023 ACD 945.* The detailed expression of opinion is avoided as it is no longer necessary in view of the observation of *Hon'ble Supreme Court of India in "U.P. Pollution Board Vs. Mohan Meekan, 2000(2) RCR*

(Criminal) 421" and reiterated in *"Deputy Chief Controller of import and export Vs. Roshan Lal Aggarwal, 2003(2) RCR (Criminal) 110(SC)"*.

Accordingly, accused is ordered to be summoned to face trial for the offence under section 25 of Payment and Settlement Systems Act, 2007 read with section 138 of the Negotiable Instruments Act, on filing of PF, copy of complaint for **14.08.2026**. Summons be sent through RC/BNPL as well as through ordinary process. Dasti be taken, if desired. List of witnesses be also filed forthwith and positively within 7 days, failing which complainant cannot seek any assistance from the Court.

Date of Order: 11.06.2026

*Gautam Yadav *JW (J.G.)
(Directly Dictated)*

(Shivani Garg)
Judicial Magistrate First Class-7,
Jalandhar
UID No . PB00529