

23.05.2022

File taken up through physical hearing.
Today the undersigned is working as Duty MM

Present: Ld. Counsel for the Complainant alongwith AR.

1. An application for substitution of AR accompanied with copy of board resolution is moved. Original of the resolution has been seen and returned. AR is allowed to be substituted. Pre-summoning evidence led. Arguments on summoning heard.
2. Entire record including the complaint and the annexed documents perused thoroughly. It is alleged that accused issued the cheque in question to the complainant in discharge of liability. On presentation, the same got dishonoured vide the return memo of the bank. Thereafter, demand notice was sent to the accused by the complainant. Despite service/ deemed service of said notice, accused has failed to make the payment within 15 days as per provisions of the Negotiable Instruments Act, 1881.
3. On consideration of the complaint, annexed documents and verification affidavit of the complainant, this Court is of the opinion that *prima facie* there are sufficient grounds for proceeding against the accused mentioned below for the commission of offence under Section 138, Negotiable Instruments Act, 1881. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act, 1881, in light of the order of the Hon'ble Supreme Court of India in *Suo Motu W.P. No. 3 of 2020*.
4. Let accused be summoned on filing of PF, RC/ Speed Post/ approved Courier service/E-mail within **30 days** for **17.01.2023**.
5. Complainant is directed to place the tracking report of summons sent through speed post on record on the next date. In the event the house/office/premises is found to be locked/refusal to accept the service/any other contingency, the process be served through affixation in terms of Section 65, CrPC.
6. As per the guidelines laid down in *Damodar S. Prabhu Vs. Sayed Babalal H, AIR 2010 (SC) 1907*, *Ahlmad* is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) that "accused can make an application for compounding of the offence at the first and second hearing of the case and if such an application is made, compounding may be allowed by the Court without imposing any costs on the accused."

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(TWINKLE CHAWLA)
MM, NI Act-02, South East District,
Saket Court, New Delhi, 23.05.2022

23.05.2022

File taken up through physical hearing.
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Present: Ld. Counsel for the Complainant alongwith AR.

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2. Entire record including the complaint and the annexed documents perused thoroughly. It is alleged that accused issued the cheque in question to the complainant in discharge of liability. On presentation, the same got dishonoured vide the return memo of the bank. Thereafter, demand notice was sent to the accused by the complainant. Despite service/ deemed service of said notice, accused has failed to make the payment within 15 days as per provisions of the Negotiable Instruments Act, 1881.
3. On consideration of the complaint, annexed documents and verification affidavit of the complainant, this Court is of the opinion that *prima facie* there are sufficient grounds for proceeding against the accused mentioned below for the commission of offence under Section 138, Negotiable Instruments Act, 1881. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act, 1881, in light of the order of the Hon'ble Supreme Court of India in *Suo Motu W.P. No. 3 of 2020*.
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3. On consideration of the complaint, annexed documents and verification affidavit of the complainant, this Court is of the opinion that *prima facie* there are sufficient grounds for proceeding against the accused mentioned below for the commission of offence under Section 138, Negotiable Instruments Act, 1881. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act, 1881, in light of the order of the Hon'ble Supreme Court of India in *Suo Motu W.P. No. 3 of 2020*.

4. Let accused be summoned on filing of PF, RC/ Speed Post/ approved Courier service/E-mail within **30 days** for **17.01.2023**.

5. Complainant is directed to place the tracking report of summons sent through speed post on record on the next date. In the event the house/office/premises is found to be locked/refusal to accept the service/any other contingency, the process be served through affixation in terms of Section 65, CrPC.

6. As per the guidelines laid down in *Damodar S. Prabhu Vs. Sayed Babalal H, AIR 2010 (SC) 1907*, *Ahlmad* is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) that "accused can make an application for compounding of the offence at the first and second hearing of the case and if such an application is made, compounding may be allowed by the Court without imposing any costs on the accused."

(TWINKLE CHAWLA)
MM, NI Act-02, South East District,
Saket Court, New Delhi, 23.05.2022

23.05.2022

File taken up through physical hearing.
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(TWINKLE CHAWLA)
MM, NI Act-02, South East District,
Saket Court, New Delhi, 23.05.2022

23.05.2022

File taken up through physical hearing.
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2. Entire record including the complaint and the annexed documents perused thoroughly. It is alleged that accused issued the cheque in question to the complainant in discharge of liability. On presentation, the same got dishonoured vide the return memo of the bank. Thereafter, demand notice was sent to the accused by the complainant. Despite service/ deemed service of said notice, accused has failed to make the payment within 15 days as per provisions of the Negotiable Instruments Act, 1881.
3. On consideration of the complaint, annexed documents and verification affidavit of the complainant, this Court is of the opinion that *prima facie* there are sufficient grounds for proceeding against the accused mentioned below for the commission of offence under Section 138, Negotiable Instruments Act, 1881. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act, 1881, in light of the order of the Hon'ble Supreme Court of India in *Suo Motu W.P. No. 3 of 2020*.
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Present: Ld. Counsel for the Complainant alongwith AR.

1. An application for substitution of AR accompanied with copy of board resolution is moved. Original of the resolution has been seen and returned. AR is allowed to be substituted. Pre-summoning evidence led. Arguments on summoning heard.
2. Entire record including the complaint and the annexed documents perused thoroughly. It is alleged that accused issued the cheque in question to the complainant in discharge of liability. On presentation, the same got dishonoured vide the return memo of the bank. Thereafter, demand notice was sent to the accused by the complainant. Despite service/ deemed service of said notice, accused has failed to make the payment within 15 days as per provisions of the Negotiable Instruments Act, 1881.
3. On consideration of the complaint, annexed documents and verification affidavit of the complainant, this Court is of the opinion that *prima facie* there are sufficient grounds for proceeding against the accused mentioned below for the commission of offence under Section 138, Negotiable Instruments Act, 1881. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act, 1881, in light of the order of the Hon'ble Supreme Court of India in *Suo Motu W.P. No. 3 of 2020*.
4. Let accused be summoned on filing of PF, RC/ Speed Post/ approved Courier service/E-mail within **30 days** for **17.01.2023**.
5. Complainant is directed to place the tracking report of summons sent through speed post on record on the next date. In the event the house/office/premises is found to be locked/refusal to accept the service/any other contingency, the process be served through affixation in terms of Section 65, CrPC.
6. As per the guidelines laid down in *Damodar S. Prabhu Vs. Sayed Babalal H, AIR 2010 (SC) 1907*, *Ahlmad* is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) that "accused can make an application for compounding of the offence at the first and second hearing of the case and if such an application is made, compounding may be allowed by the Court without imposing any costs on the accused."

(TWINKLE CHAWLA)
MM, NI Act-02, South East District,
Saket Court, New Delhi, 23.05.2022