

HDFC Bank Limited Vs Mohit

Present: Sh. Sachin Jangra, Advocate for the complainant.

Today the case was fixed for arguments on the point of summoning of accused. At this stage an application for condonation of delay has been filed. Heard. In the case of D. Vinod Shivappa versus Nanda Belliappa 2006(3) RCR (Cri.) 145, the Hon'ble Apex Court held that:

“Section 142 of NI Act provides that the Court shall take cognizance of an offence punishable under Section 138 of The NI Act upon receipt of a complaint in writing made by the payee or as the case may be, the holder in due course of cheque. Such complaint must be made within one month of the date on which cause of action arises under Clause (c) of the proviso to Section 138. However, discretion is given to the Court to take cognizance of the complaint even after the prescribed period, if the complainant satisfies the Court that he has sufficient cause for not making the complaint within such period.”

2. Hence, in view of the reasons mentioned in the application as well as law laid down by the Hon'ble Apex Court, this Court is of the view that there is sufficient ground to condone the delay in filing of the present complaint. Hence, the delay caused in filing the present complaint is hereby condoned.

A date is requested by learned counsel for the complainant. Heard. Request allowed. The case is adjourned to 28.08.2026 for arguments on the point of summoning of accused.

Date of Order: 11.08.2026

*Khushi SG-III (Ad hoc)*

(Deepak)

Judicial Magistrate - Ist Class, Hisar

UID No . HR00776