

104. CC NI 57579/2025 Hero Fincorp Ltd Vs. MAMTA MADAME

105. CC NI 57580/2025 Hero Fincorp Ltd Vs. MITHILESH GOP

106. CC NI 57599/2025 Hero Fincorp Ltd Vs. AMARJIT KAUR

156. CC NI 101878/2025 Hero Fincorp Ltd Vs. BINOD TANTI

08.08.2026

Present: Mr. Alok Shankar, Ld. counsel for complainant through VC.

I have perused the record of the case file.

All the statutory requirements u/s 138 N.I Act has been complied with by the complainant. Therefore, this court is of the considered opinion that prima-facie case punishable u/s 138 N.I. Act, 1881 is made out against the accused. This Court, therefore, **take cognizance** for offence punishable under **Section 25 of Payments & Settlement Systems Act, 2007 read with Section 138 N.I. Act** against accused person(s).

Ld. counsel for the complainant states that complainant does not want to lead pre summoning evidence.

Arguments on summoning has been advanced by Ld. Counsel. It is submitted by Ld. counsel for complainant that dictum of **A. C. Narayanan Vs. State of Maharashtra & Anr."** (2014) 11 SCC 790, is applicable to complaint u/s 25 of Payments & Settlement Systems Act, 2007.

Complaint, affidavit of evidence, ECS mandate and documents considered in light of above cited judgment. In opinion of this Court, there is no need to examine the complainant/witnesses for purpose of issuance of process. In view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused person(s) for offence punishable under Section 138 NI Act as the matter has been filed within the prescribed period of limitation and the bank account of the

complainant is within the territorial jurisdiction of this Court.

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Let **fresh summons be issued to the accused through all permissible modes** including affixation, speed post, registered AD and electronic modes i.e. whatsapp and e-mail returnable for next date of hearing, **on filing of PF within 15 days** and upon filing of an affidavit stating the e-mail address and contact number of the accused and that the same are functional for the last 30 days.

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 case the summons are sent via speed post/ registered AD, **track report be filed** on next date of hearing along **with the certificate u/s 65-B** of Indian Evidence Act, 1872.

As per the guidelines laid down as in the case titled as "**Damodar S. Prabhu Vs. Sayed Babalal H**", AIR2010(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."

List the matter on **17.02.2027** for appearance of accused and further proceedings.

(Bhawna Rattan)

JMFC (NI Act)-10

SW:Dwarka Courts/08.08.2026