

13 CC NI ACT / 5216/2024

TRUCAP FINANCE LIMITED Vs. SIDDIQUI SHAHRUKH
HUSAIN MOHD AKHTAR

01.08.2026

Present: Mr. Shio Shankar Kumar, Ld. Counsel for the
Complainant through VC.
None for the accused.

The clerk of the Ld. Counsel for the Complainant has submitted the copy of Board Resolution passed in favour of a new AR Mr. Tarun Kumar. In furtherance of order dated 18.07.2025, the AR stands substituted. Let evidence affidavit alongwith original BR be submitted at the stage of evidence.

The clerk of Ld. Counsel for the Complainant has also submitted the copy of loan agreement showing the name of the accused.

File perused. The affirmation regarding the last known address of the accused is at para no. 7 of the complaint.

The Hon'ble Supreme Court of India in its recent judgment in *Sanjabij Tari Vs. Kishore S. Borcar and another (Crl. Appeal No. 1755 of 2010)* held that there is no need to issue summons to accused at the pre cognizance stage in complaint cases u/s 138 NI Act. Accordingly, the requirement of service of notice on proposed accused at the pre cognizance stage is not needed anymore.

The present complaint has been filed u/s 138 NI Act.

(2)

The complaint, documents and evidence by way of affidavit perused.
I take cognizance of the said offence.

Arguments heard on summoning. Record perused.

On consideration of the complaint, annexed documents and verification affidavit of the complainant and in the light of the law lay down in **A.C. Narayan Vs. State of Maharashtra (2014) 11 SCC 790**, this court is of the opinion that the prima facie there are sufficient grounds for proceedings against the accused for commission of offence u/s 138 NI Act.

The complainant has filed the complaint within limitation period. In terms of inquiry conducted u/s 225 BNSS / 202 Cr.P.C., all the statutory requirement have been complied with.

Accordingly, let accused be summoned on filing of PF/RC, speed post and through electronic mode/dasti as well for 01.12.2026.

Complainant is directed to file **PF alongwith the copy of complaint** and take steps within 15 days.

As per the guideline laid down in the case titled **Damodar S. Prabhu Vs. Sayyed Baba Lal H.** reported in (2010) 5 SCC 663 and further modified in the judgment of ***Sanjabij Tari Vs. Kishore S. Borcar and another (Crl. Appeal No. 1755 of 2010)***, Ahlmad is directed to make a mention in the summons issued that:

(a) If the accused pays the cheque amount before recording of his evidence (namely defence evidence), then the offence may be

(3)

compounded without imposing any cost or penalty on the accused.

(b) If the accused makes the payment of the cheque amount post the recording of his evidence but prior to the pronouncement of judgment by Court, the offence may be compounded on payment of additional 5% of the cheque amount with the Legal Services Authority or such other Authority as the Court deems fit.

Put up for appearance of the accused / furnishing of bail bonds / framing of notice on **01.12.2026**.

(TANMAY BATHAM)
JMFC (NI ACT)-03 (West)
THC, Delhi /01.08.2026