

16 CC NI Act No. 12512/2024

PS Paharganj

Dewan Chand Om Prakash Vs. Sanchal Power Tools

14.11.2025

Present: Sh. Akhilesh Tejpal, Ld. Counsel for complainant alongwith AR of complainant (through VC).
None for proposed accused.

Matter is at the stage of consideration on present complaint/ arguments on point of cognizance.

Despite service, proposed accused is neither present nor has filed / presented any submissions on point of cognizance. Accordingly, right of proposed accused to present arguments / submission on the point of cognizance is hereby closed.

Perusal of record reveals that name of proprietor of drawer of cheque in question (proposed accused) has been mentioned as 'Rahul Jain' in the memo of parties. However, the signature on the cheque in question reflects the name 'Rahul Choraria'. Ld. Counsel for complainant seeks some time to clarify the discrepancy and file an amended memo of parties to that effect. Same be filed alongwith PF.

Pre-summoning Evidence by way of affidavit has been filed on behalf of the complainant. Original documents have been filed on record along with complaint. Statement of the complainant/ AR of complainant at pre-summoning stage stands dispensed with in terms of judgment of Hon'ble Supreme Court of India in '*A. C. Narayanan v. State of Maharashtra & Anr.* [(2014) 11 SCC 790].

Arguments on point of summoning have been heard. File has been perused. All the statutory requirements under NI Act are complied with. The present complaint case is filed within period of limitation.

On examination of documents filed along with the present complaint, the Court is satisfied that *prima facie* offence punishable under Section 138 of N.I. Act is made out against the accused. Hence, I take cognizance of the offence punishable under Section 138 N.I. Act, 1881.

Issue summons to the accused on filing of PF, RC and speed post as well as by electronic mode details (WhatsApp and E-mail). Summons may be served by way of affixation in case the premises of the accused are found locked or if the summons could not be served personally or upon a adult family member. Steps be taken within two weeks. Complainant is directed to supply the complete set of documents filed in the court including the pre-summoning evidence affidavit of complainant. Ahlmad is directed to issue the summons only after ensuring that the same has been done.

Ahlmad is directed to make the endorsement on the summons in terms of the guidelines of Hon'ble Supreme Court passed in '*Damodar S. Prabhu v. Sayed Babalal H. [(2010) 5 SCC 663]*'. Ahlmad is directed to mention the official e-mail ID and VC Link of this Court on the summons.

Put up for appearance of the accused and further proceedings on **27.02.2026.**

(ARUSHI PARWAL)
JMFC (NI Act) – 05/ Central District
THC/Delhi/14.11.2025