

01.08.2026

Present: Sh. Puneet Maurya, Ld. Counsel for the
complainant.

Matter is at the stage of consideration.

It would be pertinent to clarify that in accordance with the mandate of Hon'ble Supreme Court in ***Sanjabij Tari vs Kishore S. Borcar (2025) INSC 1158***, the presence of the accused at the time of summoning is not required.

Accordingly, arguments on cognizance and summoning heard on behalf of complainant.

I have gone through the entire record including the complaint and the documents. It is alleged that accused has given electronic mandate to the complainant to discharge his liability. However, the said mandate was dishonoured. Therefore, demand notice was sent to the accused by the complainant. Despite service/deemed service of said notice, accused has failed to make the payment as per provisions of 25 PASA Act.

The Ld. Counsel for the complainant submits that dictum of A C Narayanan is also applicable to complaints under Section 25 PASA Act.

In matter of ***A.C. Narayanan Vs. State of Maharashtra & Anr. (2014) 11 SCC 790***, Full Bench of Hon'ble Supreme Court of India has held that:

"...it is a matter of discretion and the Magistrate is not bound to call upon the complainant to remain present before the court and to examine him upon oath for

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taking decision whether or not to issue process on the complaint under Section 25 PASA Act. For the purpose of issuing process under Section 200 of the Code, it is open to the Magistrate to rely upon the verification in the form of affidavit filed by the complainant in support of the complaint under section 25 PASA Act."

Complaint, affidavit of evidence and documents considered in light of above cited judgment. 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 25 PASA Act.

Accused person(s) be summoned through all permissible modes for the offence punishable u/s 25 PASA Act, on filing of PF/RC within two weeks.

Matter be put up before this Court for report on summons on 11/03/2027.

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 67 BNSS. The complainant can provide email address/ whatsapp number of accused person(s), if any for service. Provided the complainant files an affidavit to the effect that e-mail/ whatsapp number on which the said summons is sent is of the accused person and further subject to filing of report of service.

(KAUTUK BHARDWAJ)
JMFC-06/PHC/ND/01.08.2026