

36CC NI ACT3619/2021

MANAPURAM FINANCE LIMITED Vs.SUSHMA GOSWAMI

(Court through Video conferencing using CISCO WEBEX application).

24.01.2022

Present: Sh. Vikas Sehgal Ld. Counsel for complainant.

Today the matter has also been fixed for compliance by way of depositing the originals with the Ahlmad of this court, and hearing on summoning the accused. The Ahlmad of this court has confirmed the deposition of original complaint and documents.

On perusal of the record it is revealed that there is no tracking report of service of legal demand notice, only the postal receipt is on record. However, Ld. Counsel for the complainant submits that he has already filed an affidavit to the effect that the address mentioned in the legal demand notice is correct address of the accused, on the e mail ID of this Court. As such Legal Demand Notice is deemed to be served upon the accused as per Section 27 of General Clauses Act. Reader Cum Ahlmad is hereby directed to upload the same in the digital file. Let the physical copy of the said affidavit be also deposited with the reader cum ahlmad of this court.

Affidavit of evidence and other annexed documents also perused. This court finds sufficient material to proceed further and thus I take cognizance of the offence punishable u/s 138 NI Act.

Following the law laid down in **A. C. Narayanan Vs. State of Maharashtra & Anr.” (2014) 11 SCC 790**, complaint, affidavit of evidence and documents considered. In view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused **Ms. SUSHMA GOSWAMI**, for

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offence punishable under Section 138 N. I. Act. Therefore, I hereby summon the said accused.

Reader-cum-Ahlmad is hereby directed to issue summons against the accused *on filing of P.F./R.C./Approved Courier as well as through e mail ID and whatsapp number of accused on furnishing of the correct e mail ID and whatsapp Number of the accused by the complainant*. Ld. Counsel for the complainant is also directed to fill up the online META Data form at the time of filing of first process fee as mandated by the SOP issued by the Hon'ble High Court of Delhi. Proof of service/tracking report be filed and updated in the digital file on or before the next date of hearing. Any previous correspondence between the parties on the same email. Whatsapp or phone number to be filed along with the tracking report. The process server is directed to serve the summons by way of affixation, if premises found closed or same could not be served personally or on any adult male member. Further, the complainant is to file an affidavit to the effect that the e mail address and or number on which the said message (s) are sent is/are of the accused person(s) along with certificate u/s 65 B of Indian Evidence Act and a digital copy of screenshot of such service be necessarily attached with a report on summons.

As per the guidelines laid down as in the case titled as **“Damodar S. Prabhu Vs. Sayed Babalal H”, AIR 2010 SC 1907**, Ahlmad is directed to make a mention on the summons issued against the accused 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

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made, compounding may be allowed by the Court without imposing any costs on the accused.”

The Ahlmad is directed to mention the official email Id and video conferencing link of this Court on the summons. Complainant is directed to file PF and take steps within 2 weeks including providing copy(ies) of complaint. Matter be fixed for appearance of accused and framing of notice on **30.07.2022 at 10:00 AM.**

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(Aishwarya Sharma)

MM (N.I. ACT)Digital Court-02/SED,
Saket Courts, New Delhi/24.01.2022