27 CC NI ACT / 7430/2026 HERO FINCORP LTD Vs. SANGEETA /0 ()

03.08.2026
Present: Sh. Sukhpreet Singh, Ld. Proxy Counsel for complainant.

Matter is at the stage of arguments on summoning.

In compliance of last order, Ld. Counsel for complainant has filed copy of statement account. Same is taken on record.

In view of the judgment ***Sanjabij Tari v. Kishore S. Borcar & Anr. (Cr. Appeal No. 1755 of 2010)*** Hon'ble Supreme Court held that issuance of pre-cognizance summons to the accused is not required in cases under Section 138 of the Negotiable Instruments Act."

Submissions on behalf of the complainant heard. Record perused.

The present complaint is filed for the offence of dishonour of electronic funds transfer punishable under Section 25 of the Payment and Settlement Systems Act, 2007. Prima facie, the complaint appears to have been made within the period of limitation and falls under the territorial jurisdiction of this court. On the basis of averments contained in the complaint, an offence u/s 25 of the Payment and Settlement Systems Act, 2007, appears to have been committed. In the concerned opinion of this court, prima facie, there is sufficient material available on record to proceed further. I hereby take cognizance of the offence **under Section 25 of the Payment and Settlement Systems Act, 2007.**

Following the law laid down by the Hon'ble Supreme Court in ***AC Narayanan v. State of Maharashtra & Anr. (2014) 11 SCC 790***, complaint**,** affidavit of evidence, and annexed documents considered. Inquiry under Section 202 Cr.PC conducted. In the considered opinion of this court, there are sufficient grounds for proceeding against the accused in the present matter.

Accordingly, **<u>issue summons to accused Sangeeta,</u>** on filing of PF in 30 days, through RC/speed post/WhatsAPP/email, returnable for NDOH**.** In case premises are found to be locked, Process Server is directed to affix the summons at some conspicuous part of the premises.

In terms of the guidelines of the Hon'ble Supreme Court passed in ***Sanjabij Tari v. Kishore S. Borcar & Anr. (Cr. Appeal No. 1755 of 2010)*,** let the following endorsement be made on the summons:-

(a) If the accused pays the cheque amount before recording of his evidence (namely defence evidence), then the Trial Court may allow compounding of the offence 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 the Trial Court, the Magistrate may allow compounding of the offence on payment of additional 5% of the cheque amount with the Legal Services Authority or such other Authority as the Court deems fit.

(c) Similarly, if the payment of the cheque amount is made before the Sessions Court or a High Court in Revision or Appeal, such Court may compound the offence on the condition that the accused pays 7.5% of the cheque amount by way of costs.

(d) Finally, if the cheque amount is tendered before this Court, the figure would increase to 10% of the cheque amount.

Put for appearance of accused/ framing of notice/further proceedings on **16.12.2026.**

(Anshul Agnihotri)
JMFC NI Act -11 (South)
Saket Courts, New Delhi/03.08.2026

ANSHUL AGNIHOTRI

Digitally signed by ANSHUL AGNIHOTRI
Date: 2026.08.03 16:50:56 +0530