

15 Ct. Cases 760/2026
CNR No.DLWT020128852026
Rahul Dabas Vs. Anand Pal Singh Malik

30.04.2026

Fresh complaint case u/s 138 NI Act received. It be checked and registered.

Present : Sh. B.P. Pradhan, Ld. counsel for the complainant alongwith complainant.

As per the directions issued by the Hon'ble Supreme Court of India in judgment CR. Appeal no.1755 of 2010 dt. 25.09.2025 titled as "Sanjabij Tari Vs. Kishore S Borcar and Anr.", the requirement of issuing pre-cognizance notice in terms of 223 BNSS has been dispensed with.

Prima-facie, there is sufficient material to proceed further. Accordingly, this Court takes cognizance of the offence U/s. 138 of NI Act.

The complainant/AR of complainant has also filed his evidence by way of affidavit Ex. CW1/A to prove the averments made in the complaint. It has led PSE by tendering the affidavit. The complainant/AR of complainant has reiterated the facts as averred in the complaint. Further, the complainant/AR of complainant states that the complainant does not wish to lead any further PSE. Thus, pre-summoning evidence on behalf of complainant is closed.

I have heard arguments on point of summoning and perused the complaint, evidence by way of affidavit, bank memo, cheque, demand notice and other documents on record. Prima facie the complaint is within limitation. In view of the averments made in the complaint, this Court has territorial jurisdiction to entertain this complaint. No other offence other than Section 138 of NI Act is made out against the accused person(s).

Perusal of the record shows that accused is an individual. Cheque also bears the signature of the accused. **Let the accused Sh. Anand Pal Singh Malik, S/o Sh. Karan Singh Malik, be summoned on filing of**

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PF/RC/Speed post including WhatsApp and email within 30 days from today. As per directions of Hon'ble Supreme Court of India summons be also given dasti to the complainant.

Process server is directed that in case of non availability of accused or refusal to accept the summons, process be served by way of affixation and he shall record the statement of at least two persons residing/working in the near vicinity with respect to factum of affixation.

It is directed that the process issued by this Court shall be received back at least two days prior to the NDOH. Summons be also sent through speed post and internet generated tracking report of summons sent through speed post be placed on record by NDOH.

As per the guidelines laid down as in the case titled as "Damodar S. Prabhu Vs. Sayed Babalal H", AIR2010(SC) 1907, Ahlmad is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) 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 made, compounding may be allowed by the Court without imposing any costs on the accused." Complainant is directed to file PF within 30 days otherwise the complaint may be dismissed U/s. 204(4) Cr.P.C.

Put up for appearance of accused on **04.07.2026**.

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JUDICIAL MAGISTRATE, FIRST CLASS,
(NI ACT-01) WEST, THC, DELHI/30.04.2026