

TATA CAPITAL LIMITED Vs ANURAG

Present: Sh.Puneet Bhatia, counsel for complainant.

In view of judgment of Hon'ble Supreme Court of India in case title **Sanjabij Tari Vs. Kishore S. Borcar & Anr., 2025**, the requirement of pre-cognizance notice is dispensed with. Thereafter, complainant tendered affidavit Ex.CA/CW1 along with documents and closed the preliminary evidence.

Heard. While hearing the submissions of learned Counsel for Complainant, it came to the notice of this Court that accused is not residing within jurisdiction of this Court and accordingly, the procedure as provided u/s 225 of BNSS is required to be followed. Since the complaint is totally based on documentary evidence, no benefit would be achieved by sending the matter to police for investigation, particularly when matter can be enquired by this Court in view of the judgment passed by the Hon'ble Apex Court in the case titled as **Sunil Todi & Ors. Vs State of Gujarat vide judgment dated 03.12.2021(SC-2021)**. Therefore, the tendering of documents by way of an affidavit along with other documents is hereby allowed by examining CW-1 as witness for the purpose of Section 225 BNSS. In support of his complaint, Learned Counsel for Complainant submitted that accused has issued (ECS) instructions vide a Mandate Form in favour of complainant, which was returned dishonoured. The complainant served a Legal Notice on 21.04.2025. Thereafter, the instant complaint has been filed on 04.06.2025, which is thus within the period of limitation.

In view of the above discussion, accused is hereby summoned u/s 25 of the Payment and Settlement Systems Act, 2007 which needs to be disposed off expeditiously as per directions of Hon'ble Supreme Court. Summons against accused through ordinary process as well as through registered post be issued for **07.04.2026**. Dasti may also be given, if required. Complainant is also at liberty to serve the summons by electronic means (email/mobile/whatsapp etc.) as per rules and shall file separate affidavits thereby verifying that the "electronic means particulars" are of accused and that service has been effected through that electronic medium.

Date of Order: 07.11.2025
Dharamvir, Stenographer Gr.II

Mohit Singh Dabad
Judicial Magistrate Ist Class,
Chandigarh
UID No . HR0554