

48 CC NI ACT / 7909/2026 JK LAKSHMI CEMENT LTD Vs. MOHAMMAD SIRAJUL HAFIZ Proprietor, M/s AWADH INFRA SOLUTION AND BUILDERS /0 (I P Estate)  
29.05.2026

**Fresh case received by way of assignment. It be checked and registered as per rules.**

Present: Ld counsel for the complainant with AR.

This is a fresh case.

In the light of recent judgment of Hon'ble Supreme Court of India in "Sanjabij Tari v. Kishore S. Borcar & Anr., 2025 LiveLaw (SC) 952", there shall be no requirement to issue summons to the accused in terms of Section 223 of BNSS i.e., at the pre-cognizance stage. Hence, appearance of proposed accused is hereby dispensed with.

Accordingly, arguments heard on point of summoning.

Following the law laid down in A. C. Narayanan Vs. State of Maharashtra & Anr. (2014) 11 SCC 790 and in view of complaint; documents produced with respect to return of cheque on dishonourment and service of legal demand notice; and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused for offence punishable under Section 138 NI Act.

Let summons be issued to the accused on filing of PF/RC/AD/ speed post, returnable on next date. Complainant is directed to file PF and take steps within one month including providing copy(ies) of complaint and related documents. Ahlmad is directed to issue the summons only after ensuring that the same has been done. The complainant is also apprised of the fact that at the time of filing first PF, he is required to fill the mandatory NI Act Complaint Meta Data. Service be also affected dasti as well as on the email, WhatsApp message(s) and text message of accused person(s), as provided by the complainant and further subject to filing of affidavit of service.

As per the guidelines laid down in the case titled as Damodar S. Prabhu Vs. Sayed Babalal H, (2010) 5 SCC 663 and "Sanjabij Tari v. Kishore S. Borcar & Anr., 2025 LiveLaw (SC) 952", the accused is at liberty to file an application for compounding of the offence on the first or second date of hearing itself without imposition of cost. However, failure to do the same and seeking compounding at a later stage will entail additional cost. Same be mentioned on the summons.

Put up for appearance of accused, grant of bail and framing of notice on  
06.11.2026.

(Navdeep Gupta)  
JMFC (NI Act-02)/Central  
THC/Delhi/29.05.2026