

09.02.021

All proceedings of this court shall be conducted via video conferencing.

Present: Sh. Rahul Chauhan, Ld. Counsel for complainant.
(Through CISCO WebEx)

Ld. counsel for complainant submits that he has submitted the original documents. Reader-cum-Ahlmad has confirmed the receipt of the documents and has also verified the same with digital file.

Complaint as well as documents perused and considered.

The present complaint has been made alleging an offence of dishonour of cheque under Section 138 N.I. Act. In view of the averments made in the complaint, it appears that complaint is within limitation and further this Court has territorial jurisdiction to entertain the present complaint.

Prima facie, statutory ingredients for offence of dishonour of cheque stands satisfied and there is sufficient material on record to proceed further in the matter. **This court, hereby, takes cognizance of offence under Section 138 NI Act qua the cheque(s) in question.**

Complaint, affidavit of evidence and documents considered in light of judgment of the Hon'ble Supreme Court in case of **A.C. Narayanan v. State of Maharashtra & Anr. (2014) 11 SCC 790**. Following the law so laid down, in view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused person(s) for offence punishable under Section 138 N. I. Act.

Accordingly, let summons be issued to the accused **Munish Kumar Arora** at the given address(es) on filing of PF through approved registered courier, speed post and courier returnable for **13.04.2021**. In addition, E-summons via WhatsApp, SMS and E-mail be issued. In compliance with SOP issued by the Hon'ble High Court of Delhi regarding functioning of digital courts for NI Act cases, Ld.counsel for complainant is directed to file duly filed META data form alongwith the process fee. Complainant/ Ld. Counsel for comaplainant is directed to take all the necessary steps within 10 days from today.

Reader-cum-Ahlmad is directed to send copy of e-summons alongwith copy of digital file to nazarat branch to effect service of e-summons via WhatsApp, SMS and E-

mail. The Nazarat Branch is directed to file report regarding service of such summons before NDOH.

Reader cum Ahlmad is further directed to make the following endorsement on the summons in terms of the guidelines of the Hon'ble Supreme Court passed in the case of **Damodar S. Prabhu v. Sayed Babalal H, (2010) 5 SCC 663:**

(a) Accused can make an application for compounding of the offence at the first or 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.

(b) If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the court at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the District Legal Services Authority.

Accused is directed to appear before this court through video-conferencing on the Cisco Webex application through the permanent Cisco Webex VC Room ID available on the official website of dwarka district courts. (<https://districts.ecourts.gov.in/southwestdelhi>)

Put up for appearance of accused, framing of notice and further proceedings on **13.04.2021 at 10.00 A.M.**

(EBBANI AGGARWAL)
M.M.(N.I. ACT) DIGITAL COURT-09
SOUTH-WEST/DWARKA/NEW DELHI
09.02.21