

30.01.2021

Proceedings conducted through Virtual Hearing by using Cisco WebEx Application.

Present : Sh. Kamal Bahl, Id. Counsel for the complainant.

Ld. Counsel for the complainant submits that ECS form of another case was inadvertently filed digitally with the documents in the present case.

Ld. Counsel for the complainant has submitted the correct ECS form today. The same is taken on record.

This complaint is filed for offence punishable under **Section 25 of The Payment and Settlement Systems Act, 2007 read with Section 138 Negotiable Instruments Act, 1881.**

Complaint, affidavit of evidence and other annexed documents perused. The original complaint and documents are placed in the safe custody of the Reader-cum-Ahlmad of this Court. I take cognizance of said offence.

As per *A. C. Narayanan Vs. State of Maharashtra & Anr.* (2014) **11 SCC 790**, complaint, affidavit of evidence and documents considered.

In view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused for offence punishable under Section 25 of The Payment and Settlement Systems Act, 2007. **The complainant is directed to file metadata form before filing of PF.** Thereafter, Reader-cum-Ahlmad to issue summons against the accused person on filing P.F./R.C./Approved Courier for **08.04.2021**. Service be also effected on the email, whatsapp message(s) and text message of accused person(s). Proof of service/tracking report be filed and updated in the digital file on or before the next date of hearing. The process server is directed to serve the summons by way of affixation, if premises found closed or same could not be served personally or on any adult male member.

An endorsement be also made that if application for compounding at first or second hearing is made the court may pass appropriate orders at the earliest as per judgment of *M/s. Meters Meters and Instruments (P) Ltd. v. Kanchan Mehta*, (2018) **1 SCC 560** and if settlement is made at subsequent stage the consequences as envisaged in *Damodar S. Prabhu v. Sayed Babulal H.*; (2010) **5 SCC 663** shall be enforced.

The Reader cum Ahlmad is directed to mention the official email id and video conferencing link of this Court on the summons. Complainant is directed to file PF and take steps within 07 days including providing copy of complaint otherwise the complaint may be dismissed U/s 204(4) Cr. P.C.

Put up for appearance of accused/furnishing of bail/consideration on notice on **08.04.2021 at 10:00 AM.**

(Nidhish Kumar Meena)
MM (NI Act) Digital Court-03
(South-West) Dwarka Court,
New Delhi/30.01.2021