

MALA POLLEY VS. AJIT BHAMA

07.12.2021

Present: Sh. R. K. Kohli and Ms. Jyoti Kohli, Ld. Counsels for the complainant with complainant.

Form 32 has been filed on behalf of the complainant.

Heard.

Record perused.

I have gone through the entire record including the complaint and the documents. It is alleged that accused has issued the cheque in question to the complainant to discharge his legal liability. On its presentation, the same was dishonoured. Therefore, demand notice was sent to the accused by the complainant. Despite service/deemed service of said notice, accused has failed to make the payment as per provisions of Negotiable Instruments Act, 1881.

Complaint is filed within the extended period of limitation as per order of the Hon'ble Supreme Court in suo motu WP (C) No.3/2020 in *Re: Cognizance of extention of limitation*. Accordingly, the delay in filing the complaint stands automatically condoned. In my opinion, prima facie there is sufficient material available on record to summon the accused.

In the light of the full bench of Hon'ble Supreme Court of India cited as “*A. C. Narayan vs. State of Maharashtra & Anr.*” (2014) 11 SCC 790, this court is of the considered opinion that there is no need to examine the complainant at this pre-summoning stage for the purpose of issuance of process against the accused.

Hence, accused be summoned for offence under Section 138 NI Act, on filing of PF/RC/SP. In the event the house/office/premises is found to be locked/refusal to accept the service/any other contingency the process be served through affixation in terms of Section 65, CrPC. PF be filed within 15 working days from today.

As per the guidelines laid down as in the case in the case titled as **Damodar S. Prabhu vs. Sayed Babalal H. AIR 2010 (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 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 tracking report in respect of speed post on
NDOH.

Put up for appearance of accused on 28.02.2022.

(Apoorv Bhardwaj)
MM (NI Act)-08, S-W District,
Dwarka Courts, N.D/07.12.2021

CT No.2931/2017

M/S KARINA FINCAP LTAD VS. DHARAM SINGH

07.12.2021

Present: Sh. Kamal Kapoor, Ld. Proxy Counsel for the complainant.
None for the accused.

NBWs could not be issued as previous cost of Rs.100/-
has not been deposited with DLSA (SW).

Last opportunity for the complainant to deposit cost.

Previous order dated 10.02.2021 be complied afresh for
NDOH.

Put up for appearance of accused on 02.03.2022.

(Apoorv Bhardwaj)
MM (NI Act)-08, S-W District,