

Court of Sh. Divyam Lila, Ld. MM (MCD),
East, KKD, Delhi

Date of Order 11.04.2026

File listed for 03.03.2026 taken up today as 03.03.2026 was declared holiday by Hon'ble Delhi High Court as local holiday.

46CC NI ACT/2430/2025 TARUN KUMAR Vs. KONGKHAM BASU SINGH/0 (Laxmi Nagar)

Present: Ld. counsel with the complainant (through VC).
None for the accused

Stage: Fresh complaint under Section 138 NI Act has been filed; the matter is at the stage of pre-cognizance hearing under Section 223 BNSS.

ORDER:

8. In terms of the judgment passed by the Hon'ble Supreme Court of India in Cr. APP. no. 1755/2010 in "*Sanjabij Tari Vs. Kishore S. Borcar & Anr.*" passed on 25.09.2025, it was directed in paragraph 36(E) that there shall be no requirement to issue summons for pre-cognizance hearing under the cases of Section 138 of NI Act. Hence, the matter is now proceeded directly on the consideration of the case on cognizance and summoning.
9. **Cognizance:** Prima facie offence u/s 138 NI Act, 1881 is made out. Accordingly, cognizance of the offence is taken. The PSE of the complainant is dispensed with in view of the judgment of the Hon'ble Supreme Court of India in "*AC Narayanan v. State of Maharashtra & Ors.*" passed on 13.09.2013.
10. **Summoning:** Materials on record suggest sufficient ground to summon the accused as per the memo of parties.
11. Accordingly, issue summons to the accused along with the copy of the complaint and documents, subject to filing PF/RC within 15 days from today. Summons be sent for service through all permissible modes including electronic modes.
12. **PART A: DIRECTIONS TO THE COMPLAINANT FOR SERVICE:** The complainant is strictly directed to take the following steps for effecting service:
 - a. To serve the summons along with a copy of the entire complaint and document set through physical service, Post, and WhatsApp/Email.
 - b. The complainant must annex a copy of this very Order along with the Summons and the Complaint set to ensure the accused is formally apprised of the Court's mandates prior to appearance.
 - c. Format of summons and Service Affidavit is available in the foot-note of the ordersheet. Scan the same with the Camera, fill the details, take four printouts and file the same with the PF in the Court. Dasti notice will be given.
 - d. The complainant is required to file the service proof and affidavit on the next date of hearing for effective service and further proceedings, failing which the matter will be adjourned.
13. **PART B: MANDATORY DIRECTIONS FOR E-FILING AND ADVANCE COPIES (BOTH PARTIES):** To ensure expeditious proceedings and prevent unwarranted adjournments:
 - a. **Mandatory E-Filing:** Both parties are strictly directed that all filings in this matter shall be done by way of **e-filing only**. No physical filing shall be entertained without prior e-filing.
 - b. **Advance Supply of Documents:** Both parties are mandated to supply advance copies of *any and all* documents they intend to file (including but not limited to Vakalatnama, Bail Bonds, Exemption Applications, and Applications u/s 145(2) NI Act) to the opposite party/counsel prior to the hearing, either physically or via electronic modes.
14. **PART C: STRICT DIRECTIONS TO THE ACCUSED UPON APPEARANCE:** In terms of the guidelines laid down by the Hon'ble Supreme Court in "*Indian Bank Association v. Union of India (2014) 5 SCC 590*", the accused is issued the following strict directions:
 - a. **Furnishing of Bail Bonds:** The accused is directed to appear in person on the next date of hearing and furnish Bail Bonds and Surety Bonds in the sum of **Rs. 30,000/- or 10% of the cheque(s) amount (whichever is lesser)**, along with one sound surety. The accused must bring prepared bonds complete with original and photocopies of ID proofs and financial solvency proofs of the surety.
 - b. **Filing of Vakalatnama:** The accused must engage a counsel and file their Vakalatnama (via e-filing) on or before the first date of appearance.
 - c. **Agenda for the First Date of Appearance:** The accused is put on advance notice that upon their appearance on the next date, the Court shall immediately proceed with:
 - i. **Framing of Notice:** Notice of Accusation under Section 251 CrPC / 274 BNSS shall be framed.
 - ii. **Admission/Denial of Documents:** Admission and denial of the complainant's documents shall be conducted.
 - iii. **Disposal of Application u/s 145(2) NI Act:** If the accused wishes to cross-examine the complainant's witnesses, the application under Section 145(2) NI Act must be filed (and advance copy supplied) on the very first date, which shall be heard and decided the same day.
 - **Consequences of Default:** No adjournment shall be granted to the accused on the ground of engaging a counsel, perusing the file, preparing bail bonds, or drafting applications. Default in compliance with these directions will result in the immediate imposition of exemplary costs under Section 346 BNSS, and the accused shall be liable to be remanded to judicial custody in default of bail under Section 478 BNSS, and adverse orders shall follow.
 - Let the matter be listed for report on summons and appearance of accused on **17.08.2026**.

Scan the QR Code for downloading
the summons, notices and warrants.



Divyam Lila
Presiding Officer

All ordersheets are digitally signed and uploaded