

CC NI ACT No. 96/2021

M/S HDFC BANK LTD. Vs. Vivek Kumar

PROCEEDINGS THROUGH VIDEO CONFERENCING

02.03.2021

Present: Sh. Praveen Solanki, counsel for complainant.

It is submitted by the Ld. Counsel for the complainant that he has filed an affidavit with regard to last known address of the accused in terms of previous order physically and through E-mail also. Let the same be taken on record.

This is complaint filed for offence punishable under **Section 25 of the Payments & Settlement Systems Act 2007**. 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 **Vivek Kumar** for offence punishable **u/s 25 of The Payments & Settlement Systems Act 2007 r/w Section 138 N. I. Act**. The complainant side is directed to file metadata form before filing of PF. Thereafter, Reader-cum-Ahlmad to issue summons against the accused person on P.F./R.C./Approved Courier for **11.05.2021**. 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 **11.05.2021 at 10:00 AM**.

(VAIBHAV KUMAR)
MM-02 (Digital Court-02)
South West District,
Dwarka Courts, ND/02.03.2021