

**32 CC NI ACT / 7959/2026 MONEYBOXX FINANCE LTD
THROUGH ITS AR SHIVANSHU JHA Bhikaji Vs. SEEMA BAI /**
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16.04.2026

Present: Sh. Shamim Saifi, Ld. counsel for the complainant.

Complaint and other documents annexed with it perused. The complaint is within limitation and within the jurisdiction of this court. **I take cognizance of offence punishable U/s 138 N I Act qua accused No.1, proposed accused No.2 is not the signatory/drawer of the cheque, therefore proposed accused No.2 is not summoned in the present case.**

Evidence affidavit (pre summoning) of AR for the complainant/CW-1 has already been filed which has been sworn before the Oath Commissioner. Pre-summoning evidence is closed on oral request of the counsel of the complainant.

I have perused the complaint, evidence affidavit and the documents on record. The Hon'ble Apex Court in *A.C. Narayanan Versus State of Maharashtra & Anr. Criminal Appeal No. 73 of 2007*, has held that in the light of section 145 of N.I Act, 'it is open to the Magistrate to rely upon the verification in the form of affidavit filed by the complainant in support of the complaint under Section 138 of the N.I. Act and the Magistrate is neither mandatorily obliged to call upon the complainant to remain present before the Court, nor to examine the complainant of his witness upon oath for taking the decision whether or not to issue process on the complaint under Section 138 of the N.I. Act'.

Arguments on summoning heard.

There are sufficient grounds for proceeding against the accused, the cheque in question is drawn from the account of the accused No.1, therefore **let the accused No.1 be summoned** on filing of PF through RC/Speed Post as well as E-mail after compliance of legal formalities by complainant. The complainant is directed to file

an affidavit stating that E-mail address of the party is correct to the best of his/her knowledge along with certificate under Section 63 of the Bhartiya Sakshya Adhiniyam, 2023. Steps be taken within 15 days from today. As per the guidelines laid down as in the case titled as **“Damodar S. Prabhu Vs. Sayed Babalal H”**, AIR2010(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 and if such an application is made, compounding may be allowed by the Court without imposing any costs on the accused.”

Re-list for appearance of accused No.1/further proceedings/framing of notice on 21.07.2026.

(AKSHAY SHARMA)
JMFC-08(NI ACT) SOUTH SAKET
COURTS NEW DELHI/16.04.2026