

CC No.6968/2023

RAJIV MALHOTRA Vs. SH. DEEPAKMALHOTRA

19.08.2023

Proceedings conducted through video conferencing via Cisco Webex App.

Matter taken up through Video Conferencing as per office order of Hon'ble Delhi High Court as per order no. 4/7/RG/DHC/2020 dated 27.08.2020.

Fresh complaint received by way of assignment in Digital Court. It be checked and registered as per rules.

Present: Mr. Siddharth Singh, Ld. Counsel for complainant alongwith complainant.

Matter is listed for appearance of complainant today.

The complainant has been apprised of requirement of deposit of original documents including dishonour of cheque, dishonour of memo, legal demand notice, dispatch receipts, service of proof, reply, if any, etc, apart from signed original complaint, supporting affidavit, and attested affidavit of PSE with the Reader-cum-Ahlmad of the Court.

Matter is at the stage of consideration.

Record of the file perused. All the statutory requirements under NI Act are complied with. After perusal of the entire record, this Court is of the considered opinion that prima facie case punishable u/s 138 of NI Act is made out against the accused. Cognizance taken.

Perusal of file reveals that cheque(s) got presented for encashment and got returned dishonoured. Accused has failed to make payment within the statutory period despite a legal notice of demand. The Complaint is within the territorial jurisdiction of this Court and is withinin limitation in view of the judgement of the **Hon'ble Supreme Court in its Suo Motu Writ Petition (C) No. 3 of 2020 titled In Re: Cognizance for Extension of Limitation.** Enquiry under Section 202 CrPC conducted by scrutinizing documents.

Arguments on summoning heard. Following the law laid down in **A.C Narayanan Vs. State of Maharashtra & Anr. (2014) 11SCC 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 person for offence punishable under Section 138 NI Act.

Issue Summons to Accused on filing of PF/RC/Courier/Speed Post within 07 days, as well as through email, on all the addresses provided by the Complainant. Service effected by the complainant be subject to filing of report of service.

In case the service is not possible due to the premises being locked, or due to unavailability or refusal, the process server is directed to serve the summons by way of Affixation and file a photograph of the affixed summons clearly indicating the place where they are affixed in a manner which shows that the affixation has been done on the given address, as best possible.

The Reader-cum-Ahlmad is directed to mention the official email id and video conferencing link of this Court on the summons. Reader-cum-Ahlmad is further directed to preserve PF form, service report, postal/ courier envelopes and upload scanned copies thereof on the LAYERS 2.0.

Accused is directed to appear before this court through video conferencing on the Cisco V. C Room ID <https://delhidistrictcourts.webex.com/meet/nicentral2>. Parties can access information pertaining to working of Digital NI Act Courts through the link <https://delhicourts.nic.in/digitalnicourts.html>.

Put up for appearance of accused, grant of bail and framing of notice under Section 251 Cr. P.C on **18.11.2023**.

The order be uploaded as per rules.

(MANYA)
MM (NI Act) Digital Court-02,
Central, THC, Delhi
19.08.2023