

**16 CC NI ACT / 2249/2025 Axis Finance Limited Vs. Kasinath
Jamullamudi /0 (Saket)**

14.11.2025

Present: Ms. Vanshika Garg, Ld. Counsel for the complainant via
VC.

It is observed that the matter is at the stage of pre cognizance hearing and the complainant was directed to verify the address of the proposed accused. However, the Hon'ble Apex Court in the judgment titled ***Sanjabij Tari Vs. Kishore S. Borcar & Anr. Crl. Appeal No.1755/2010 dated 25.09.2025*** has held that in cases U/s 138 NI Act, there is no requirement of pre cognizance summons to the accused. The present case is under the PASA Act and as per Section 25 Sub Section 5 of the PASA Act, provisions of Chapter 17 of the NI Act has to apply. Therefore, the matter is proceeded for consideration on issuance of summons.

Complaint and other documents annexed with it perused. Heard. All the statutory requirements under PASA ACT are complied with. The present complaint case is filed within period of limitation.

On examination of documents filed along-with the present complaint, the Court is satisfied that *prima-facie* offence punishable under Section 25 of PASA ACT is made out against the accused. Hence, I take cognizance of the offence punishable under Section 25 of PASA ACT.

Arguments heard on point of summoning.

Pre-summoning Evidence by way of affidavit filed by the AR for the complainant/CW-1. Taken on record. As per the judgment of Hon'ble Supreme Court in ***A.C. Narayanan vs. State of Maharashtra and Anr., (2014) 11 SCC 790***, the examination of the complainant upon oath for issuance of process is a matter of discretion of the Magistrate. In the considered opinion of this Court, there is no need to examine the complaint for the purpose of issuance of process.

No other witness is sought to be examined on behalf of the complainant at this stage. Accordingly, PSE stands closed.

Issue summons to the accused on filing of PF, RC and through all possible physical modes. Steps be taken within two weeks. Complainant is directed to supply the complete set of documents filed in the court including the pre-summoning evidence affidavit of complainant. Ahlmad is directed to issue the summons only after ensuring that the same has been done.

Ahlmad is directed to make the following endorsement on the summons in terms of the guidelines of Hon'ble Supreme Court passed in the case of **Damodar S. Prabhu v. Sayed Babalal H. (2010 5 SCC 663)**:

(a) Accused can make an application for compounding of the offence at the first or 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.

(b) If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the court at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the e-mandate amount to be deposited as a condition for compounding.

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.

Re-list for appearance of the accused/framing of notice/bail and further proceedings on **20.02.2026**.

(AKSHAY SHARMA)
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COURTS NEW DELHI/14.11.2025