

94CC NI ACT17292/2023M/S PNB HOUSING FINANCE LIMITEDVs. RAJENDRAN R PROP
OF RASITEXTILES/0 ()

03.06.2023

(Court proceedings through Video Conferencing using CISCO Webex)

This is a digital court and the working of Digital Court NI Act is being accessed through the link <https://delhicourts.nic.in.digitalcourts.html>. This digital court is working through Cisco Webex application VC Room ID<https://districtcourtdwarka.webex.com/meet/MMNIActDigitalCourt01> and the E-mail ID of this court is nisouthwest1@gmail.com

Fresh complaint received. It be checked and registered.

Present: Mr. Kamal Behl, Ld.counsel for complainant.

File is taken up today after fresh filing.

Originals have been submitted.

This is a complaint filed for an offence punishable under Section 25 of The Payments & Settlement Systems Act, 2007 r/w Section 138 Negotiable Instruments Act. The original complaint along with the annexed documents are placed in the safe custody of Reader/Ahlmad. Complaint, affidavit of evidence and other annexed documents perused. I take cognizance of said offence.

Arguments on summoning heard. Record perused.

On consideration of the complaint, annexed documents and the verification affidavit of the complainant in the light of law laid down in *A.C. Narayanan vs. State of Maharashtra (2014) 11 SCC 790* this Court is of the opinion that prima facie there are sufficient grounds for proceeding against the accused person for the commission of offence under Section 25 of The Payments & Settlement Systems Act, 2007 r/w Section 138 Negotiable Instruments Act. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with.

Accordingly, let **accused** be summoned on filing of PF, RC/ Speed Post/ approved Courier service/Whats App for **NDOH**. Service of E-summons be also affected through SMS/Whatsapp/Other instant messaging service. The process server is directed to serve the summons by way of affixation, if premises are found closed or same could not be served personally or on any adult male member.

Ld. Counsel is further directed to file duly filled mandatory NI Act Complaint Meta Data Form before filing first PF.

As per the guidelines laid down in *Damodar S. Prabhu Vs. Sayed Babalal H, AIR 2010 (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." Complainant is directed to file PF/RC and take steps within 15 days including providing copy(ies) of the complaint otherwise the complaint may be dismissed U/s 204(4) Cr. P.C. Accused is directed to appear before this court through video conferencing on Cisco Webex through the permanent Cisco Webex VC Room ID **<https://districtcourtdwarka.webex.com/meet/MMNIActDigitalCourt01>**.

Put up for appearance of the accused/furnishing of bail/ consideration of notice on 02.09.2023.

(Sahil Gupta)

M.M. NI Act Digital Court-01
Dwarka Court, New Delhi
03.06.2023