

**63 CC NI ACT / 3118/2026 DR MOREPEN LIMITED Vs.
YASHANSH TRADING COMPANY**

27.03.2026

There is pendency of more than 35,000 cases in the present court, therefore, it is not possible to give shorter date in the cases.

Today, the undersigned is looking after the work of 1st link JMFC and 2nd link JMFC (F/N).

Present : Sh. Rajeev Sharma, Ld. Counsel for complainant.

Physical file deposited today.

A perusal of the file reveals that cheque bearing no. 000005 was issued on 16.10.25. The same was returned on 23.10.25 with the comment 'funds insufficient'. The legal demand notice was sent on 19.11.25 (the day on which the return memo is received is excluded for the purposes of calculating the period of limitation for sending the legal demand notice within 30 days). The legal demand notice was delivered on 22.11.25. The present complaint came to be filed on 06.1.26. The same appears to be within the period of limitation.

Pre-summoning evidence by way of affidavit and other annexed documents perused. This court finds sufficient material to proceed ahead with the case at hand. I take cognizance of the offence punishable u/s 138 NI Act.

Following the law laid down in **A. C. Narayanan Vs. State of Maharashtra & Anr.” (2014) 11 SCC 790**, complaint, pre-summoning evidence by way of affidavit and other documents considered. In view of the same, there are sufficient grounds for proceeding further against accused Pradeep Kumar (**Prop. of YASHANSH TRADING COMPANY**), for offence punishable under Section 138 N. I. Act. I hereby summon the said accused person.

Ahlmad is hereby directed to issue summons against the accused persons on filing of P.F./R.C./Approved Courier as well as through e mail ID and whatsapp number of accused persons on furnishing of the correct e mail ID and whatsapp Number of the accused persons by the complainant. The complainant is at liberty to get the summons served through all permissible modes including electronic and dasti.

The process server is directed to serve the summons by way of affixation in terms of section 65 CrPC (section 67 of BNSS, 2023), if premises found closed or same could not be served personally or on any adult male member.

Further, the complainant is to file an affidavit to the effect that the service of summons has been effected via e mail and/or whatsapp number of the accused. The affidavit is to be annexed along with certificate u/s 65 B of Indian Evidence Act (section 63 of BSA, 2023). A digital copy of screenshot of such service be necessarily attached with a report on summons.

As per the guidelines laid down in **Damodar S. Prabhu Vs. Sayyed Baba Lal H⁴⁸**, Ahlmad is directed to make a mention on the summons issued against the accused 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 cost on the accused.”

The 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 4 weeks including providing copy(ies) of complaint. Matter be fixed for appearance of accused and framing of notice on **13.08.26**.

(Anjali Singh)

JMFC (NI Act) – 03/PHC/ND/27.03.2026