

CNR No:PBLD030901042026 CASE No:COMA-80629-2026

Hero Fincorp Limited Vs DIYNAH ELIZABETH NYBINN

Present:- Sh. Ashwani Sharma, counsel for the complainant.

Complaint presented today. It be registered. CW is present and examined by way of affidavit along with documents and closed his preliminary evidence. Heard on point of summoning of accused. As the accused is resident of Kerala, as such, the mandate of Section 225 BNSS (Section 202 CrPC) requires that before issuance process to such an accused who resides beyond jurisdiction of the court an inquiry/investigation is required is to be held and satisfaction to this effect as to be recorded. However, the offence under Section 25 of the Payment and Settlement Systems Act, 2007 read with Section 138 of Negotiable Instrument Act is purely technical in nature and governed by a Special Statute. In my opinion, an inquiry U/s 225 BNSS (Section 202 CrPC) is unwarranted in an offence under Section 25 of the Payment and Settlement Systems Act, 2007 read with Section 138 of Negotiable Instrument Act as there is no scope of investigation of police in such offence.

Now, authorized representative of complainant namely Diveshwar Mangotra, has stepped into the witness box as CW1 and reiterated the whole sequence of event in minute details through his affidavit Ex.CA, as got detailed by him in his written complaint. Complainant has also placed on record documents i.e. Ex.C1 to Ex.C5.

After perusing the statement of the authorized representative of complainant and going through the documents placed on record by him, this Court is of the considered opinion that there are sufficient grounds to proceed against the accused under Section 25 of the Payment and Settlement Systems Act, 2007. Accordingly, **accused** is ordered to be summoned to face trial for above said offence for 07.12.2026 on filing of PF/RC. Dasti process, if requested, be issued.

Date of Order: 07.08.2026

Komal Taneja Steno II

Direct Dictation

(Ms. Ritika Gupta)

Judicial Magistrate - Ist Class

UID NO . PB00804