

14 CC NI Act No. 277/2026

Anup Narain Gaur Vs. Rakesh Sharma @ Rakesh Kumar Sharma
PS Anand Vihar

30.04.2026

Fresh case received by way of assignment. It be checked and registered as per rules.

Present: Sh. Pitamber Lal Vaish, Ld. Counsel for complainant along with complainant in person.

Matter is at the stage of consideration on present complaint.

In terms of judgment of Hon'ble Supreme Court of India in '*Sanjabij Tari v. Kishore S. Borcar & Anr.*', pronounced on 25.09.2025, in Criminal Appeal No. 1755/2010, requirement for issuing notice u/s 223 BNSS to proposed accused, stands dispensed with.

Pre-summoning Evidence by way of affidavit has been filed on behalf of the complainant. Original documents have been filed on record along with complaint. Statement of the complainant/ AR of complainant at pre-summoning stage stands dispensed with in terms of judgment of Hon'ble Supreme Court of India in '*A. C. Narayanan v. State of Maharashtra & Anr.* [(2014) 11 SCC 790]'.

Arguments on point of summoning have been heard. File has been perused. All the statutory requirements under NI 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 138 of N.I. Act is made out against the accused. Hence, I take cognizance of the offence punishable under Section 138 N.I. Act, 1881.

Issue summons to the accused on filing of PF, RC and speed post as well as by electronic mode details (WhatsApp and E-mail). *Dasti* summons be also given to the complainant for service. Summons may be served by way of affixation in case the premises of the accused are found locked or if the summons could not be served personally or upon an adult family member. 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 endorsement on the summons in terms of the guidelines of Hon'ble Supreme Court passed in '*Damodar S. Prabhu v. Sayed Babalal H. [(2010) 5 SCC 663]*'. Ahlmad is directed to mention the official e-mail ID and VC Link of this Court on the summons.

In order to explore the possibility of settlement, matter is being referred to National Lok Adalat for 09.05.2026.

Put up for appearance of the accused and further proceedings on **21.09.2026**.

(ARUSHI PARWAL)
JMFC-06/SHD/KKD
DELHI/30.04.2026