

17 CC NI ACT / 1389/2026

Akhlesh Prasad Vs. R K Properties through its authorized person

17.04.2026

Today, the undersigned is also looking after the work of Ld. 1st Link JMFC Sh. Shashank Nandan Bhatt.

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

Present: Sh. Pankaj Chauhan, Ld. Counsel for the complainant through VC.

e-filing history is filed. Be taken on record.

In view of the Judgment of Hon'ble Supreme Court titled as "Sanjabij Tari Vs. Kishor S Borcar" CrI. Appeal no. 1755/2010 dated 25.09.2025, the issuance of notice U/s 223 BNSS is not necessary.

Complete case file alongwith original documents as well as PSE affidavit of the complainant has been filed.

The present complaint is filed for the offence punishable under Section 138 of Negotiable Instruments Act, 1881. The Complaint is filed within limitation and is within the territorial jurisdiction of this court. On the basis of the averments contained in the complaint, an offence under Section 138 N.I. Act appears to have been committed. In the considered opinion of this Court, prima facie, there is sufficient material available on record to proceed further. **I hereby take cognizance of the offence u/S 138 NI Act.**

In light of the decision of the full bench of Hon'ble Supreme Court of India in "**A. C. Narayanan v. State of Maharashtra & Anr.**" (2014) 11 SCC 790, there is no requirement to examine the complainant at the pre-summoning stage for the purpose of issuance of process against the accused. Complaint, evidence affidavit and annexed documents considered. No other witness is sought to be examined on behalf of the complainant at this stage. Relevant inquiry U/s 202 Cr.PC/section 225 BNSS conducted. In the considered opinion of this court, there are sufficient grounds for proceeding against the accused in the present matter.

Accordingly, let summons be issued to the **accused no. 3 Raj Kumar Gautam, being drawer of cheque in question** through all permissible modes on filing of PF within 20 days from today, returnable on NDOH.

Since no case is made out against accused no. 1 R. K. Properties & no. 2 Bachan Singh, they are not summoned.

In case the house of the accused is found to be locked, process server is directed to affix the summons on conspicuous place.

As per the guidelines laid down as in the case titled as "**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."

Summons be also sent through speed post and internet generated tracking report of summons sent through speed post be placed on record by NDOH.

Put up on **16.07.2026.**

(Poonam Singh)

JMFC (N.I. Act)-04/West/Delhi

17.04.2026