

Fabcott India Clothing LLP Vs. Bittu Da Depot

CC NI Act 2006/2026

21.05.2026

Fresh complaint received by way of assignment through efilng. Ahlmad is directed to check and register the same.

Present: Mr. Darshit Mudgal, Ld. Counsel for the Complainant through VC.

File perused.

The Hon'ble Supreme Court of India in its recent judgment in *Sanjabij Tari Vs. Kishore S. Borcar and another (Crl. Appeal No. 1755 of 2010)* held that there is no need to issue summons to accused at the pre cognizance stage in complaint cases u/s 138 NI Act. Accordingly, the requirement of service of notice on proposed accused at the pre cognizance stage is not needed anymore.

The present complaint has been filed u/s 138 NI Act. The complaint, documents and evidence by way of affidavit perused. I take cognizance of the said offence.

Arguments heard on summoning. Record perused.

On consideration of the complaint, annexed documents and verification affidavit of the complainant and in the light of the law lay down in **A.C. Narayan Vs. State of Maharashtra (2014) 11 SCC 790**, this court is of the opinion that the prima facie there are sufficient grounds for proceedings against the accused for commission of offence u/s 138 NI Act.

The complainant has filed the complaint within limitation period. In terms of inquiry conducted u/s 202 Cr.P.C., all the statutory requirement have been complied with.

Accordingly, let accused be summoned on filing of PF/RC, speed post and through electronic mode/dasti as well for 12.08.2026.

Complainant is directed to file **PF alongwith the copy of complaint** and take steps within 15 days.

As per the guideline laid down in the case titled **Damodar S. Prabhu Vs. Sayyed Baba Lal H.** reported in (2010) 5 SCC 663 and further modified in the judgment of ***Sanjabij Tari Vs. Kishore S. Borcar and another (Crl. Appeal No. 1755 of 2010)***, Ahlmad is directed to make a mention in the summons issued that:

(a) If the accused pays the cheque amount before recording of his evidence (namely defence evidence), then the offence may be compounded without imposing any cost or penalty on the accused.

(b) If the accused makes the payment of the cheque amount post the recording of his evidence but prior to the pronouncement of judgment by Court, the offence may be compounded on payment of additional 5% of the cheque amount with the Legal Services Authority or such other Authority as the Court deems fit.

Put up for appearance of the accused / furnishing of bail bonds / framing of notice on 12.08.2026.

(TANMAY BATHAM)
JMFC (NI ACT)-03 (West)