

Akd Polymer Pvt. Ltd. Vs. Baba Flooring Pvt. Ltd. & Ors.

CC No. 1098/2026

11.03.2026

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

Today, Ld. PO is also working as Link JMFC in post lunch.

Present: Mr. Shiven Banga, Ld. Counsel for the Complainant.

File perused.

Prima facie, the complaint appears to have been filed two days beyond a limitation period.

Ld. Counsel for the Complainant submits that the court was closed on 01.03.2026 being a Sunday and was closed subsequent to the notification of the Hon'ble High Court of Delhi on 02.03.2026 and 03.03.2026 and subsequent to that public holiday was declared by the official calendar of the Hon'ble High Court of Delhi on 04.03.2026 and 05.03.2026. He argues that since the court was not working on the date on which the limitation expires, benefit of Section 4 of Limitation Act will accrue in his favour and the limitation date for his complaint will fall on 06.03.2026 i.e. the next working day after the holidays.

File perused. The affirmation regarding the role of directors is mentioned at para 4 of the complaint.

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 **all 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 **all the accused** be summoned on filing of PF/RC, speed post and through electronic mode/dasti as well for **15.04.2026**.

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, Ahlmad is directed to make a mention in the summons issued 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”.

Put up for appearance of the accused / furnishing of bail bonds / framing of notice on **15.04.2026**.

(TANMAY BATHAM)
JMFC (NI ACT)-03 (West)
THC, Delhi /11.03.2026