

Court of Sh. Divyam Lila, Ld. MM (MCD),
East, KKD, Delhi

Date of Order 23.12.2025

**52 CC NI ACT / 3763/2025 C A Cooperative Thrift And Credit Society Ltd
Vs. Akash /0 (Shakarpur)**

Present: AR of the complainant is present through VC.
None for the accused.

Stage : Fresh complaint under Section 138 NI Act has been filed for complaint case, the matter is at the stage of pre-cognizance hearing under Section 223 BNSS.

Order : In terms of judgment, passed by Hon'ble Supreme Court of India in Cr. APP. no. 1755/2010 in "Sanjabij Tari Vs. Kishore S. Borcar & Anr." passed on 25.09.2025, it was directed in paragraph 36(E) that there shall be no requirement to issue summons for pre-cognizance hearing under the cases of Section 138 of NI Act. Hence, the matter is now proceeded directly on the consideration of the case on cognizance and summoning.

- **Prima facie offence u/s 138 NI Act, 1881 is made out. Accordingly, cognizance of offence is taken.** The PSE of the complainant is dispensed with in view of judgment of Hon'ble Supreme Court of India in "AC Narayanan v. State of Maharashtra & Ors." passed on 13.09.2013.
- Materials on record suggest sufficient ground to summon the accused as per the memo of parties. Accordingly, issue summons to the accused alongwith the copy of the complaint and documents, subject to filing PF/RC within 15 days from today. Summons be sent for service through all permissible modes including electronic modes. **The complainant is required to take following steps for service :-**
 - To serve the summons alongwith copy of entire complaint and documents set, through physical service, Post and WhatsApp alongwith proof of service of the summons, application and the complaint upon the respondent.
 - Format of summons and Service Affidavit is available in the foot-note of the ordersheet. Scan the same with the Camera, fill the details, take four printouts and file the same with the PF in the Court.
 - Dasti notice will be given. The complainant is required to file the service proof and affidavit on the next date of hearing in the court for effective service and further proceedings. The complainant is required to file service proof on the next date, failing which the matter will be adjourned.
 - Let the matter be listed for report on summons and appearance of accused on **15.04.2026**.

Scan the QR Code for downloading
the summons, notices and warrants.



Divyam Lila
Presiding Officer

All ordersheets are digitally signed and uploaded