

39CC NI ACT/1427/2025
MOINUDDIN Vs. RENU SHARMA
PS (G.T.B. Enclave)

25.03.2026

Present: Complainant with Ld. counsel Sh. Kundan Kumar.

1. The Hon'ble Supreme Court of India in judgment dated 25.09.2025 in Criminal Appeal No. 1755/2010 titled "Sanjabij Tari Vs. Kishore S.Borcar and Anr" has directed that *"there shall be no requirement to issue summons to the accused in terms of Section 223 of BNSS i.e., at the pre-cognizance stage."*
2. On the basis of the complaint and the original documents annexed with the complaint, the court is satisfied that the complaint is filed within limitation period and falls in the territorial jurisdiction of this court. Accordingly, cognizance of the offence is taken.
3. Pre-summoning evidence by way of affidavit has been tendered along with documents which have been duly exhibited. Vide separate statement, pre-summoning evidence of the complainant is closed.
4. Arguments heard. Record perused.
5. I have gone through the complaint, list of dates and events, evidence and the documents placed on record. The legal notice was issued within the prescribed period and the complainant has also been filed within limitation period as per the inquiry made under Sec. 225 BNSS.
6. In view of the above, I am prima facie satisfied that an offence under Sec. 138 of Negotiable Instruments Act

against the accused Renu Sharma, proprietor of M/s Bageahwar Dham Trading Company has been made out within my jurisdiction.

7. **Hence, issue summons against the accused Renu Sharma, proprietor of M/s Bageahwar Dham Trading Company, on P.F./R.C./Approved Courier for 23.10.2026.** The complainant can provide email address/whatsapp number of accused person, if any for service. The service of summons through email, whatsapp message(s) and text message(s) is also permitted provided the complainant files an affidavit to the effect that number on which the said message(s) are sent is/are of the accused and further subject to filing of report of service. The process server is directed to serve the summons by way of affixation, if premises found closed or same could not be served personally or on any adult male member.
8. **The summons shall expressly mention that the Respondent/Accused has the option to make payment of the cheque amount at the initial stage itself, directly through the said online link.**
9. Complainant is directed to file PF and take steps within 30 days including providing copy(ies) of complaint otherwise the complaint may be dismissed u/s 227(4) BNSS.

(Udbhav Kumar Jain)
JMFC-04/SHD/KKD Courts/Delhi
25.03.2026