

21CC NI ACT/26150/2026
M/s Bajaj Finance Ltd Vs. KK CARACCESSORIES

31.07.2026

Fresh complaint has been received from the Facilitation Centre.

It be checked and registered.

Present: Sh. Parvesh Kumar, Id counsel for complainant through VC.

The instant complaint has been filed u/s 138 of Negotiable Instrument Act, 1881. Complaint, affidavit of evidence and other annexed documents perused. In terms of inquiry conducted U/s 202 CrPC/225 BNSS, all the statutory requirements have been complied with.

Arguments on the point of summoning heard.

Prima facie the complaint is within limitation. In view of the averments made in the complaint, this court has the territorial jurisdiction to entertain this complaint. Prima facie, there is sufficient material to proceed further with the matter. Accordingly, this court takes cognizance of the said offence u/s 138 N.I.Act, 1881.

In the case of **A.C. Narayanam vs. State of Maharashtra (2014)**

11 SCC 790, Hon'ble Supreme Court of India has held that :

“29. From a conjoint reading of Section 138, 142 and 145 of the N.I.Act as well as Section 200 of the Code, it is clear that it is open to the Magistrate to issue process on the basis of the contents of the complaint, documents in support thereof and the affidavit submitted by the complainant in support of the complaint...”

“33.4 In the light of section 145 of N.I.Act, it is open to the Magistrate to rely upon the verification in the form of affidavit filed by the complainant in support of the complaint under Section 138 of the N.I.Act and the Magistrate is neither mandatorily obliged to call upon the complainant to remain present before the Court, nor to examine the complainant or his witness upon oath for taking the decision whether or not to issue process on the complaint under Section 138 of the N.I.Act.”

Following the law laid down in A.C.Narayanan (supra), complaint, affidavit of evidence and other annexed documents considered. Accordingly,

there is no need to examine the complainant for the purpose of issuance of process.

Complaint, affidavit of evidence and other annexed documents perused. Arguments on the point of summoning heard.

In view of the complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceedings further against accused person (s) for offence punishable under Section 138 N.I.Act.

Since the signatory to the cheque is accused no.2 Pradeep Karak only he is being summoned for offence u/s 138 of NI Act.

Hence, accused **Pradeep Karak**, be **summoned** for offence u/s 138 of N.I.Act on filing of PF/RC within 15 days from today through all permissible modes. In the event the house/ office/ premise is found to be locked/ refusal to accept the service/ any other contingency the process be served through affixation.

Matter be taken up now on **19.11.26**.

As per the guidelines laid down as in the case title 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.”

Deeksha Sethi
Judicial Magistrate First Class-08
South West District/New Delhi
31.07.2026