

7CC NI ACT/727/2026

**V M CO OPERATIVE URBAN THIRFT AND CREDIT SOCIETY
Vs. MOHD KASIM/0 (Bhajan Pura)**

13.04.2026

Fresh compliant filed. It be checked and registered.

Present : Sh. Brijesh Tiwari, Ld. Counsel for complainant.

In view of the recent decision of the Hon'ble Supreme Court in Sanjabij Tari Vs. Kishore S. Borcar & Anr. dt. 25.09.2025, the issuance of notice u/s 223 of BNSS to accused at the stage of pre cognizance stage is dispensed with.

Arguments heard on point of summoning. The Court has gone through the complaint, authority letter in favour of the AR, as well as the other documents relied upon by the complainant. The present case is within the period of limitation.

As per the judgment of the Hon'ble Supreme Court in A.C. Narayanan v. State of Maharashtra & Anr. (2014) 11 SCC 790, Full Bench, examination of the complainant upon oath for issuance of process is a matter of discretion of the Magistrate. In the considered opinion of this Court, there is no need to examine the complainant for the purpose of issuance of process. There is sufficient material before this Court to proceed against the accused. I hereby take cognizance of the offence under Section 138 of the NI Act.

Accordingly, issue summons to accused for being the drawer and signatory of the impugned cheque. The summons are to be sent upon filing of PF/RC within 15 days from today, returnable on 15.09.2026.

**Rishika Srivastava
Judicial Magistrate First Class
Evening Court No. -04
North-East/KKD/13.04.2026**