

38 CC NI ACT / 379/2026
RAKESH KUMAR MALHOTRA
Vs. KAUSHAL KUMAR RAI (Paschim Vihar East)

10.06.2026

Present matter has been received by way of transfer from Digital Courts to this physical Court.

This Court is physical Court. For physical appearance, parties / counsels shall appear from Court room no. 508, Extn. Block, THC.

Present: Sh. L.K. Dahiya, Ld. counsel for complainant through VC.

Original documents filed.

Complaint perused. It is supported by affidavit. Cognizance taken.

Perusal of file reveals that cheque(s) got presented for encashment and got returned dishonoured. Accused has failed to make payment within the statutory period despite a legal notice of demand. The Complaint is within the territorial jurisdiction of this Court and is within limitation in view of the judgement of the Hon'ble Supreme Court in its Suo Motu Writ Petition (C) No. 3 of 2020 titled In Re: Cognizance for Extension of Limitation. Enquiry under Section 202 Cr.P.C. conducted by scrutinizing documents. Arguments on summoning heard.

In the matter of **A.C. Narayanan Vs. State of Maharashtra & Anr. (2014) 11 SCC 790**, it was held by Hon'ble Supreme Court "*For the purpose of issuing process under section 200 of the Code, it is open to the magistrate to rely upon the verification in the form of affidavit filed by complainant in support of the complaint under section 138 NI Act...*"

Complaint, affidavit of evidence and documents considered in light of above cited judgment. In opinion of this Court, there is no need to examine the complainant's evidence for purpose of issuance of process. In view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused person(s) for offence punishable under Section 138 NI Act.

Hence, **issue summons** against the accused person(s) on P.F./R.C./Approved Courier for **NDOH**.

The complainant can provide email address/mobile number of accused person(s),

if any for service. The service of summons through what's app 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 person(s) and further subject to filing of report of service. **Complainant is at liberty to take steps for dasti service of accused.**

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. An endorsement be also made that if application for compounding at first or second hearing is made the court may pass appropriate orders at the earlier as per judgment of Damodar S. Prabhu; (2010) 5 SCC 663.

Complainant is directed to file PF and take steps within 07 days including providing copy(ies) of complaint otherwise the complaint may be dismissed U/s 204(4) Cr.P.C. Dasti summons also permitted for service.

Put up for appearance of accused on **14.10.2026** at request.

Parties are directed to appear physically from Court room no. 508, Extn. Block

THC.

(SHIVANGI MANGLA)
JMFC (NI Act)-05, West
Tis Hazari Courts, Delhi 10.06.2026