

67 CC NI ACT / 30867/2023

Hero Fincorp Ltd Vs. Rafikul Islam

02.07.2024

There is pendency of more than 11,000 cases in the present court, therefore, it is not possible to give shorter date in the cases.

Present: Ld. Counsel for Complainant.

I have perused the complaint and the accompanying documents. Prima facie offence u/s 138 NI Act appears to have been committed. **I hereby take cognizance of the same.**

I have perused the complaint u/s. 138 NI Act, evidence by the way of affidavit of the complainant and the documents relied upon by the complainant. As per the judgment of Hon'ble Supreme Court in **A.C. Narayanan vs. State of Maharashtra and Anr., (2014) 11 SCC 790** the 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 complaint for the purpose of issuance of process. No other witness is sought to be examined on behalf of the complainant at this stage. **Accordingly, PSE stands closed.** For the purposes of identification, the evidence affidavit is now marked as Ex-CW1/A.

The complaint has been filed within the period of limitation and is within the jurisdiction of this court.

Relevant inquiry u/s. 202 CrPC conducted. On the basis of the averments contained in the complaint, the evidence by way of affidavit and the inquiry conducted by this court, **there**

are sufficient grounds for proceeding against the accused in the present matter.

Let summons be issued to the accused through all permissible modes on filing of PF within 20 days from today, returnable on 21.01.2025. In case the house of the accused is found to be locked, process server is directed to affix the summons on conspicuous place.

Summons be also sent through speed post and internet generated tracking report of summons sent through speed post be placed on record by NDOH.

Complainant is directed to file PF and to provide copy of complaint to the accused otherwise the complaint may be dismissed U/s. 204(4) Cr.P.C.

(Anurag Chhabra)

JM First Class (NI Act-03)/PHC/NDD

02.07.2024