

**55 CC NI ACT / 117/2026 Lalji Verma Prop Super Wear Vs. M/s
Mahadev Hosiery Shop /0 (Shabad Dairy)**

09.07.2026

Present: Ms.Sanjeevni Jain, Id. counsel for the complainant (VC).

Copy of GST details are filed by the complainant. Same are taken on record.

Counsel is directed to file the amended memo of parties, reflecting the name of the accused person alongwith his proprietorship firm.

ORDER

1. I have perused the complaint, pre-summoning evidence by way of affidavit of the complainant and the documents relied upon by the complainant. The present complaint has been filed within the limitation and is within the jurisdiction of this Court.

2. In light of the decision 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.

3. Accordingly, issue summons to accused Shankar Lal Proprietor of M/S Mahadev Hosiery Shop for being the drawer and signatory to the impugned cheque(s). The summons are to be sent upon filing of PF/RC within 7 days from today, returnable on 03.11.2026. The complainant is directed to file metadata form before filing of PF. The process server is directed to serve the summons by way of affixation, if premises are found locked or same could not be served personally or on any adult male

member. To expedite service, the complainant is at liberty to serve the summons through speed post/approved courier, subject to filing internet generated tracking report of service on the next date of hearing. The complainant may also send summons through email and WhatsApp to the accused and file the requisite affidavit of service along with Certificate u/S 63 of Bhartiya Sakshya Adhiniyam on the next date of hearing.

4. As per the guidelines laid down in Damodar S Prabhu Vs. Sayed Baba Lal 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 a 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”.

5. Complainant is directed to file PF and provide copies of the complaint and other necessary documents, within one month from today, failing which the complaint may be dismissed under Section 227(4) of Bhartiya Nagarik Suraksha Sanhita. Renotify for appearance of the accused/furnishing of bail bonds/ consideration on Notice under Section 274 of Bhartiya Nagarik Suraksha Sanhita on 03.11.2026.

7. The summons must accompany the copy of the complaint along with other supporting documents and the complainant will file the proof of the copy being supplied to the accused before this court on the NDOH.

(BHARTI BENIWAL)
Judicial Magistrate First Class
North, Rohini Courts, New Delhi
09.07.2026