

67 CC NI ACT / 63570/2024 INDOSTAR CAPITAL FINANCE LIMITED
Vs. ASHOK KUMAR BADGUJAR 6976 / ()

17.11.2025

(Also through VC Proceedings via CISCO Webex)

Present: Sh. Sagar, Id. counsel for the complainant (without uniform in open collar) through VC.

Matter is at the stage of consideration.

In view of the judgment of Hon'ble Supreme Court of India titled as Sanjabij Tari Vs. Kishore S Borcar, the notice u/s 223 BNSS need not be issued to proposed accused before taking the cognizance.

1. Arguments on behalf of the complainant heard on point of cognizance as well as summoning.
2. Present complaint is filed alleging that accused had issued the **cheque(s) bearing No. 103936 of Bank of India** to the complainant to discharge his/ her legal liability which got dishonored. Thereafter, complainant sent a legal demand notice and despite service of the same, accused failed to make the payment and thereby complainant prays to take cognizance U/Sec.142 of Negotiable Instruments Act, 1881 for the offence punishable U/Sec. 138 of Negotiable Instruments Act, 1881/25 PASSA Act 2007.
3. After considering the present complaint, attached documents and the evidence of complainant by way of affidavit which is considered qua the requirement of section 202 of Cr.PC, I am of the view that Prima facie case is made out for the offence U/Sec. 138 of NI Act,1881/25 PASSA Act 2007 therefore, I take the cognizance in the present case for the offence punishable U/Sec. 138 of NI Act,1881/ 25 PASSA Act 2007. This court is of further opinion that *prima facie* there is sufficient material to proceed against the accused.
4. Dasti summons be issued against the **accused Ashok Kumar (signatory to the cheque)** on filing of PF within 30 days for NDOH for the purpose of speed post/self delivery to the accused.

Let summons be issued through all e modes/digital mode also on filing of email ID, whatsapp number, messaging application of the accused on affidavit alongwith PF and verification of the said particulars.

Complainant is directed to file Tracking Report on NDOH.

Complainant is also given an opportunity to file fresh address of accused alongwith affidavit of physical verification alongwith Google location of verification and photographs of the house.

Time to follow strictly.

Matter be put up for appearance of accused/furnishing of Bail Bond on **17.08.2026.**

(Snehil Sharma)
Judicial Magistrate First Class (NI Act) – 01
PHC/New Delhi/17.11.2025