

45 Cc NI ACT / 5842/2025 Hero Fincorp Ltd Vs. Rajesh Das
04.08.2026

Present: Sh. Harshit Bhatti, Ld. proxy counsel for complainant.
None for the accused.

Physical file has been submitted today.

In the light of the judgment of Sanjabij Tari vs. Kishore S. Borcar & Anr., the Hon'ble Supreme Court of India has held that there is no need for pre-cognizance summons to the accused in section 25 PASA cases. Therefore, the need for notice u/s 223 of BNSS is done away with.

At request of the Ld. counsel for the complainant, the summoning order is being passed without recording the pre summoning evidence.

Arguments on summoning advanced by the Ld. counsel for the complainant, have been heard.

Complaint, affidavit of evidence and documents considered in light of the arguments of the Ld. counsel for the complainant.

In view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused as the matter has been filed within the prescribed period of limitation and the bank account of the complainant is within the territorial jurisdiction of this court.

In view of the above, this court takes cognizance of the offence u/s 25 PASA, qua the **accused**.

Let fresh **summons** be issued to the **accused** through all permissible modes including affixation, speed post, registered AD and electronic modes i.e. whatsapp and email returnable for next date of hearing, on filing of PF within 15 days and upon filing of an affidavit stating the e mail address and contact number of the accused and that the same are functional for the last 30 days.

In case the summons are sent via speed post/ registered AD, track report be filed on the next date of hearing along with the certificate u/s 65-B of Indian Evidence Act, 1872.

As per the guidelines laid down as in the case titled as "**Damodar S. Prabhu Vs. Sayed Babalal H**", AIR2010(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 an 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."

List the matter on 01.04.2027 for appearance of accused and further proceedings.

(ISHA RANA)
Judicial Magistrate First Class(NI Act)-07
South West/Dwarka Courts/New Delhi/04.08.2026