

45 CC NI ACT / 190/2025

M/s Clix Capital Services Pvt Ltd Vs. M/S BHAGYALAXMI TRADING COMPANY /0
(Maurya Enclave)

Proceedings conducted online through Video Conferencing using CISCO WEBEX Software.

Counsels are directed to appear with Camera open.

Presence of the accused will not be marked if his or her video is off.

14.01.2025

Present: Ms Preeti Sharma, Ld. Counsel for complainant.

This is a fresh matter.

The present complaint has been filed on / after 1st July 2024 i.e after the enforcement and implementation of the Bhartiya Nagrik Suraksha Sanhita 2024 (hereinafter BNSS).

As per section 531, of the BNSS the present complaint shall be governed by provisions of BNSS and not by the CrPC.

This is a fresh complaint filed u/s 138 of the NI Act.

It be checked and registered by the Reader cum Ahlmad of this court.

The Complainant is directed to deposit the original documents including the cheque in question, returning memo bearing seal/stamp of the concerned bank, legal demand notice, proof of service of legal demand notice and its reply, if any. Apart from the physical signed original complaint, its supporting affidavit and attested affidavit of pre-summoning evidence, the Complainant is also directed to file an affidavit providing the current address of the accused including his mobile no. and e-mail address, if any within two weeks.

The complaint has to be accompanied by the appropriate certificate required as per provisions of Section 63 of the Bhartiya Sakshya Adhiniyam 2024 to support the electronic record.

It is further made clear that **Proviso I of the Section 223 of the BNSS** clearly states that “ *no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity being heard*”

Accordingly, no cognizance of the present complaint shall be taken unless the accused is given appropriate and reasonable opportunity of being heard.

In view of the mandate of Section 223 of the BNSS, let court notice be issued to the proposed accused to appear before the court and argue as to why cognizance should not be taken of the present complaint through all permissible modes including the e-mode by the Nazarat Branch .

In case of refusal/ premises found locked and upon proper verification as to the said address of the accused, let the court notice be served through affixation and photographs be annexed alongwith the report. Process server is directed to annex the proof of service alongwith the report.

Complainant is directed to visit the Digital Court Work Station-01, Rohini Court for submitting the originals.

Put up for appearance of the proposed accused and argument on the point of cognizance of the present complaint on **30.04.2025**.

(Garima Garg)
Judicial Magistrate First Class
(NI Act) Digital Court-01, North West,
Rohini Courts, Delhi/14.01.2025