

CC NI ACT - 2192/2023
M/S MITTAL ASSOCIATES Vs. M/S TAILORS

18.04.2023

Proceedings conducted through video conferencing via Cisco Webex App.

Fresh case received by way of assignment. It be checked and registered as per rules.

Present - Sh. Naman Mitra, Ld. counsel for the complainant.

Present complaint has been uploaded by the complainant on portal on 31.01.2023 and the same date is considered for the purpose of calculation of period of limitation.

Perusal of the record shows that the cheque in question has been issued by accused no. 2 Madan Lal in his personal capacity. No cause of action arises against accused no. 1 & 3. Complainant is directed to file amended memo of parties.

Physical copies of documents be submitted with Reader/Ahlmad of this court within 15 days from today.

Arguments on summoning of accused heard. Complaint and documents filed therewith perused. In view of the provision u/s. 202 Cr.P.C., an inquiry has been conducted in the present matter on the basis of the complaint and the documents filed along with it. The complaint appears to be well within the limitation period. Upon consideration of the complaint, documents filed and examination of complainant, prima facie there appears to be sufficient ground to proceed against the accused u/s. 138 N.I. Act. I hereby take cognizance of the offence punishable u/s. 138 of Negotiable Instruments Act, 1881.

Let the accused **no. 2, Madan Lal only** be summoned on filing of PF and the META Data form within 15 days through RC-AD, Speed Post/approved courier services and Whatsapp/Email returnable on 03.10.2023.

Endorsement be made to the effect that offence punishable under section 138 of the Negotiable Instruments Act, 1881 is compoundable by virtue of section 147 thereof, and should the Accused disburse/deposit the cheque amount on or before the first date of hearing, the complaint may be compounded in terms of ratio of judgment in the case of **Damodar S. Prabhu Vs. Sayed Babalal H. (2010) 5 SCC 663**.

Reader-cum-Ahlmad is directed to mention the official email ID and video conferencing link of this Court on the summons.

Put up for appearance of the accused on 03.10.2023.

(NAINA GUPTA)
MM-01 (N.I.Act)/Digital Court Central,
Tis Hazari Courts/Delhi/18.04.2023