

Present: Sh.Rajesh K Rai Adv for the complainant

Today an application for substitution has been filed by Ld counsel for complainant. Heard. The opposite party has not been appeared yet. So the present application for substitution is hereby allowed.

In view of judgment of Hon'ble Supreme Court of India in case title **Sanjabij Tari Vs. Kishore S. Bolcar & Anr., 2025**, pre-cognizance notice is dispensed with. Thereafter, complainant tendered affidavit Ex.CA/CW1 along with documents and closed the preliminary evidence.

Heard. While hearing the submissions of learned Counsel for Complainant, it came to the notice of this Court that accused is not residing within jurisdiction of this Court and accordingly, the procedure as provided u/s 225 of BNSS is required to be followed. Since the complaint is totally based on documentary evidence, no benefit would be achieved by sending the matter to police for investigation, particularly when matter can be enquired by this Court in view of the judgment passed by the Hon'ble Apex Court in the case titled as **Sunil Todi & Ors. Vs State of Gujarat vide judgment dated 03.12.2021(SC-2021)**. Therefore, the tendering of documents by way of an affidavit along with other documents is hereby allowed by examining CW-1 as witness for the purpose of Section 225 BNSS.

CW-1 is present and has tendered affidavit Ex.CA/CW1 into evidence along with documents Ex.C1/CW1 to Ex.C5/CW1 and closed preliminary evidence. Heard.

In support of his complaint, learned counsel for the complainant submitted that the accused has issued the cheque **Ex. C2/CW1** in order to discharge his legally enforceable debt, which when presented for encashment were received back dishonoured vide cheque returning memo as **Ex.C3/CW1**. Thereafter, the complainant served a legal notice as **Ex.C4/CW1** through registered post demanding the payment of cheque amount but the accused failed to repay the cheque amount within stipulated time period.

Further, in view of the law laid down by Hon'ble Supreme Court in case "**UP Pollution Board Vs. Mohan Meaken Ltd. 2002(2) RCR (Criminal) 421**" and "**Deputy Chief Controller of Imports and Exports Vs. Roshan Lal Aggarwal 2003(2) RCR (Criminal) 110**" the detailed expressed opinion is avoided as it is no longer necessary.

In view of the above discussion, accused is summoned for alleged commission of offence u/s 138 of NI Act, 1881. Summons against accused through ordinary process as well as through registered post be issued for 07.10.2026. Dasti may also be given, if required. Complainant is directed to file PF, RC, copy of complaint etc. Complainant is also at liberty to serve the summons by electronic means (email/mobile/whastapp etc.) as per rules and shall file separate affidavits thereby verifying that the "electronic means particulars" are of accused and that service has been effected through that electronic medium.

Date of Order: 08.07.2026  
*Parveen, Steno III*

(Jasbeer Singh)  
Judicial Magistrate Ist Class,  
Chandigarh  
UID No . PB00490