

CC NI ACT11821/2022
M/S HDFC BANK LTD. Vs. MANISH KUMAR

20.10.2023

Proceedings are conducted through Cisco Webex.

Present: Ms.Ambika Mehra, Ld. Counsel for the
complainant.

Today the matter is listed for consideration on PSE.

The instant complaint has been filed u/s 25 of The
Payments & Settlement Systems Act, 2007.

Complainant has submitted the physical file along
with all the documents in original with the Reader cum Ahlmad
of the digital court. Reader cum Ahlmad has confirmed the same
and is directed to keep the physical file in his safe custody.

Complaint, affidavit of evidence and other annexed
documents perused. Prima facie, there is sufficient material to
proceed further with the matter. Accordingly, this court takes
cognizance of the said offence u/s 25 of The Payments &
Settlement Systems Act, 2007.

Following the law laid down in *A.C. Narayanan Vs.
State of Maharashtra (2014) 11 SCC 790*, complaint, affidavit of
evidence and other annexed documents considered. Accordingly,
there is no need to examine the complainant's evidence for the
purpose of issuance of process.

Complaint, affidavit of evidence and other annexed
documents perused. In terms of inquiry conducted u/s 202 CrPC,
all the statutory requirements have been complied with.
Arguments on the point of summoning heard.

Prima facie the complaint is within limitation. In view of
the averments made in the complaint, this court has the territorial
jurisdiction to entertain this complaint.

After perusal of the entire record, the court is of the considered opinion that prima facie a case punishable u/s 25 of The Payments & Settlement Systems Act, 2007 is made out against **accused**.

Issue summons to **accused** through post/approved courier on filing of PF& RC. Complainant is directed to file PF&RC and take steps within 15 days (at request of Ld. Counsel for the complainant) including providing copy(ies) of complaint and metadata form otherwise the complaint may be dismissed u/s 204(4) Cr.P.C.

Process Server is also directed that in the event of non-availability of the accused or house/office/premises is found to be locked or accused refuses to accept the service, process be served through affixation.

Service is also permitted on the email ID and Whatsapp number of the accused provided the complainant files an affidavit to the effect that email ID and whatsapp number on which the said message(s) is /are sent is of the accused person and further subject to filing of the report of service.

Proof of service/tracking report be filed and updated on the digital file on or before next date of hearing.

Ahlmad is directed to make the following endorsement on the summons in terms of the guidelines of the Hon'ble Supreme Court in the case of ***Damodar S.Prabhu vs Sayed Babalal 2010 5 SCC 663***:

(a) Accused can make an application for compounding of the offence at the first or 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.

(b) If the accused does not make an application for

compounding as aforesaid, then if an application for compounding is made before the court at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the District Legal Service Authority.

The Ahlmad is also directed to mention the official e-mail id and video conferencing link of this court on the summons.

Put up for appearance of accused/furnishing of bail/consideration on notice on **22.04.2024**.

NEHA SAINI
MM (NI ACT) Digital Court-07
South West, Dwarka Courts, New Delhi
20.10.2023