

24.03.2026

Matter received by way of transfer from Digital Court No. 6 as per order No. 44542-44581/Cases Tsfr./Digital Courts/Judl./DWK/2025 dated 19.11.2025 of Ld. Principal District & Sessions Judge (S-W), Dwarka Courts, New Delhi.

Present: Ms.Manisha Baruah, Ld. counsel for complainant.

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 138 N.I. Act 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 138 N I Act, 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 10 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 **10.06.2026** for appearance of accused and further proceedings.

(Vinerjeet Kaur Sandhu)
JMFC (NI Act-06), South-West, Dwarka,
24.03.2026