

30 CC NI ACT / 6372/2026 HERO FINCORP LTD Vs. MOHD
NAIMUDDIN KHAN /0 ()

07.05.2026

Present: Sh. Akshay Aggarwal, Ld. proxy Counsel for
complainant (appearing through VC).
Sh. Shonit Kumar, Ld. Counsel for complainant.
SOA filed on behalf of complainant which is taken on
record.

In the recent judgment CrI.
Appeal No. 1755/ 2010 Sanjabij Tari vs. Kishore S. Borcar & Anr.
of Hon'ble Supreme Court of India, the Apex Court has observed,
'E. Recently, the High Court of Karnataka in Ashok Vs.
Fayaz Aahmad, 2025 SCC OnLine Kar 490 has taken
the view that since NI Act is a special enactment, there
is no need for the Magistrate to issue summons to the
accused before taking cognizance (under Section 223 of
BNSS) of complaints filed under Section 138 of NI Act.
This Court is in agreement with the view taken by the
High Court of Karnataka. Consequently, this Court
directs that there shall be no requirement to issue
summons to the accused in terms of Section 223 of
BNSS i.e., at the pre-cognizance stage.'

Thus in light of these observations of the Apex Court, it
is abundantly clear that henceforth there shall be no requirement to
issue notice to the accused in terms of section 223 BNSS at the
precognizance stage. Therefore the matter now proceeds directly to
the stage of cognizance and summoning of the accused.

Present complaint has been filed for offence u/s 25 of
Payment and Settlement Systems Act, 2007. The complaint is filed
within limitation and within the territorial jurisdiction of this court.
On the basis of averments made in the complaint an offence u/s 25
of Payment and Settlement Systems Act, 2007 appears to be
committed. Hence, I take cognizance of the offence.

Inquiry is conducted through the question-answers
verbally and through the scrutiny of documents.

Arguments heard on point of summoning.

File perused. Heard. All the statutory requirements
under PASA Act are complied with.

On examination of documents filed alongwith the present complaint, the Court is satisfied that prima-facie offence punishable under Section 25 of PASA Act is made out against the accused.

Issue summons to the accused MOHD NAIMUDDIN KHAN on filing of PF, RC within 15 days and through all possible physical modes. Complainant is directed to supply the complete set of documents filed in the court.

Ahlmad is directed to issue the summons only after ensuring that the same has been done.

Ahlmad is directed to make the following endorsement on the summons in terms of the guidelines of Hon'ble Supreme Court passed in the case of Damodar S. Prabhu v. Sayed Babalal H. (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.

Put up for appearance of the accused/ bail/framing of notice and further proceedings on **23.07.2026**.

(ARIBA KHAN)
JUDICIAL MAGISTRATE
FIRST CLASS-02/NI ACT(SD)
SAKET/NEW DELHI/07.05.2026