

08.12.2023

Matter taken up through VC on CISCO Webex.

Today the undersigned is working as Duty M.M.

Present: Ld. Counsel for the complainant along with complainant.

This is complaint filed for offence punishable under Section 138 N. I. Act. Complaint, affidavit of evidence and other annexed documents perused. I take cognizance of said offence.

Following the law laid down in A. C. Narayanan Vs. State of Maharashtra & Anr.” (2014) 11 SCC 790, complaint, affidavit of evidence and documents considered. In view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused person(s) for offence punishable under Section 138 NI Act.

The Ld. Counsel for the complainant has submitted the physical file along with all the documents in original in the court. The Reader/Ahlmad is directed to keep the file in the safe custody. Hence, issue summons against the accused person on P.F./R.C./Approved Courier **for 16.08.2024 subject to filing of affidavit in regard to service of legal demand notice.** Service be also effected on the email, whatsapp message(s) and text message of accused person(s), as provided by the complainant and further subject to filing of report of service. The process server is directed to serve the summons by way of affixation, if premises found closed or same could not be served personally or on any adult male member.

An endorsement be also made that if application for compounding at first or second hearing is made the court may pass appropriate orders at the earliest as per judgment of M/s. Meters Meters and Instruments (P) Ltd. v. Kanchan Mehta, (2018) 1 SCC 560 and if settlement is made at subsequent stage the consequences as envisaged in Damodar S. Prabhu; (2010) 5 SCC 663 shall be enforced.

The Ahlmad is directed to mention the official email id and video conferencing link of this Court on the summons. Ld. Counsel for the complainant has already filed Meta Data form. Complainant is directed to file PF and take steps within 07 days including providing copy(ies) of complaint otherwise the complaint may be dismissed U/s 204(4) Cr. P.C.

Put up for appearance of accused on 16.08.2024.

(KAVITA BIST)

MM (NI Act) Digital Court

East /KKD Courts 08.12.2023.