

13CC NI ACT/52/2025

M/s UR UDYOG PRIVATE LIMITED Vs.M/S FINE WIRE ELECTRICALS

10.04.2026

Due to connectivity issues, VC link of this court is not working.

The present case is received by way of transfer in terms of order No. 46/DHC/Gaz-IIB/G-7/VI.E.2(a)/2025 dated 18.11.2025 of the Hon'ble High Court of Delhi.

Present: Sh. Ekansh Bhatnagar, Ld. Counsel for complainant.

The instant complaint has been filed under Section 138 of Negotiable Instruments Act, 1881.

Recently, the Hon'ble Supreme Court of India in the Judgment of "*Sanjabij Tari Vs. Kishore S. Borcar & Anr*". (Cr.Appeal No. 1755/2010) has held that there is no requirement of issuing notice to the accused at the pre-cognisance state under proviso to Section 223 BNSS.

Heard. Perused.

Complaint affidavit of evidence and other annexed documents perused. *Prima facie*, there is sufficient material to proceed further with the matter. Arguments on the point of summoning head. 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. Accordingly, this court takes cognizance of the said offence u/s 138 of N.I. Act, 1881.

Evidence affidavit of CW1 filed and documents tendered.

Further, in the case of "*A.C. Narayanan Vs. State of Maharashtra*" (2014) 11 SCC 790 the Hon'ble Supreme Court of India has held that:

"29 From a conjoint reading of Section 138, 142 and 145 of N.I. Act as well as Section 200 of the Code, it is clear that it is open to the Magistrate to issue process on the basis of the contents of the complaint, documents in support thereof and the affidavit submitted by the complainant in support of the complaint..,

"33.4 In the light of Section 145 of N.I. Act, it is open to the Magistrate to rely upon the verification in the form of affidavit filed by the complainant in support of the complaint under Section 138 of the N.I Act and the Magistrate is neither mandatorily obliged to call upon the complainant to remain present before the Court, not to examine the complainant or his witness upon oath for taking the decision whether or not to issue process on the complaint under Section 138 of the N.I. Act".

Following the law laid down in *A.C. Narayanan (Supra)*, complaint, affidavit or evidence and other annexed documents considered. Thus, 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. After perusal of the entire record, the court is of the considered opinion that *prima facie* a case punishable u/s 138 of N.I. Act, 1881 is made out against accused.

Accordingly, issue summons to accused through post/approved courier/other permissible modes on filing of PF and RC. PF & RC to be filed within 15 days from today.

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

The complainant is directed to place on record the tracking report of Speed Post/Registered AD on the next date of hearing positively.

Put up for appearance of accused/furnishing of bail/framing of notice on 28.09.2026.

(RAHUL SAINI)
JMFC-08/Shahdara Distt.
KKD Courts, Delhi/10.04.2026