

CC NI ACT/37840/2026 FMEC INTERNATIONAL
FINANCIAL SERVICES LTD Vs SHIVAM GUPTA
29.04.2026

There is pendency of more than 37,000 cases in the present court, therefore, it is not possible to give shorter date in the cases.

Fresh complaint case received by way of assignment. It be checked and registered as per rules.

Present : Sh Rana Parcha and Ms Jagriti, Ld. Counsels for complainant.

Physical file deposited today.

Perusal of the file reveals that all the technical requirements u/s 138 of the NI Act have been met with. Furthermore, the complaint is within the period of limitation.

Pre-summoning evidence by way of affidavit and other annexed documents perused. This court finds sufficient material to proceed ahead with the case at hand. I take cognizance of the offence punishable u/s 138 NI Act.

Following the law laid down in *A. C. Narayanan Vs. State of Maharashtra & Anr.* (2014) 11 SCC 790, complaint, pre-summoning evidence by way of affidavit and other documents considered. In view of the same, there are sufficient grounds for proceeding further against accused, for offence punishable under Section 138 N. I. Act. I hereby summon the said accused person.

Ahlmad is hereby directed to issue summons against the accused ***on filing of P.F./R.C./Approved Courier as well as through all permissible modes including electronic, dasti and e- mail ID and whatsapp number of accused persons on furnishing of the correct e mail ID and whatsapp Number of the accused persons by the complainant.***

The process server is directed to serve the summons by way of affixation in terms of section 65 CrPC (section 67 of BNSS, 2023), if premises found closed or same could not be served personally or on any adult male member.

Further, the complainant is to file an affidavit to the effect that the service of summons has been effected via e mail and/or whatsapp number of the accused. The affidavit is to be annexed along with certificate u/s 65 B of Indian Evidence Act (section 63 of BSA, 2023). A digital copy of screenshot of such service be necessarily attached with a report on summons.

As per the guidelines laid down in **Damodar S. Prabhu Vs. Sayyed Baba Lal H²¹**, Ahlmad is directed to make a mention on the summons issued against the accused 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 cost on the accused.”

The Ahlmad is directed to mention the official email Id and video conferencing link of this Court on the summons. Complainant is directed to file PF and take steps within 6 **months** including providing copy(ies) of complaint. Matter be fixed for appearance of accused and framing of notice on **20.01.2027**.

(Anjali Singh)

JMFC (NI Act) – 03/PHC/ND/29.04.2026