MHLA160007352024	**SCC No.229/2024** **State Bank of India Vs. Vimal**

ORDER BELOW EXH.1

Heard learned Advocate Shri. B.C. Apsingekar for complainant at length. The complainant is absent.

2. I have carefully gone through the record, complainant's affidavit Exh.4, verification affidavit, documents and argument. There is no necessity to examine the complainant on oath. The said affidavit can be considered his verification. The offence punishable under Section 25 of the Payment and Settlement Systems Act, 2007. The accused is borrower of Express-Credit-Personal loan and has executed irrevocable standing instruction letter along with arrangement letter. Thereby she was agreed to deduct installment amount from her saving account. Therefore, she is liable to the dishonor of installment. There are sufficient grounds to proceed with against her. The presumption provided under Section 25(4) of the Payment and Settlement Systems Act, 2007 is prima-facie established. The complaint is filed within prescribed limitation. The offence under Section 25 of the Payment and Settlement Systems Act, 2007 is prima-facie made out.

3. The aforesaid offence is offence under the special Act. The cognizance of aforesaid offence is provided under Section 28 of the Payment and Settlement Systems Act, 2007. Therefore, notice before cognizance provided under Section 223

of Bharatiya Nagarik Suraksha Sanhita, 2023 is not applicable in this case. Hence, issue process against accused for offence punishable under Section 25 of the Payment and Settlement Systems Act, 2007, on P.F. and also to supply the copies of the complaint and other documents filed along with it, to the accused within three days from today.

4. Dictated and pronounced in the open court.

DISTRICT COURTS MAHARASHTRA

Digitally signed by SHARAD AWADHUTRAO SURJUSE
Date: 2025.07.30 17:58:21 +0530

Date- 30/07/2025 (S.A. Surjuse)
Deoni. Judicial Magistrate F.C. Deoni.