

COMA-3106-2026

Present: Sh. Gurpreet Singh, Advocate for complainant.

Today the case was fixed for preliminary evidence of complainant. Complainant has stepped into the witness box as CW1 and reiterated the whole sequence of event in minute details through affidavit Ex.CA, as got detailed in the written complaint.

Complainant has also placed on record documents Ex. C1 to Ex.C5 i.e. copy of cheque, memo, copy of legal notice, postal receipts etc. and closed preliminary evidence.

The Authorized representative of complainant namely Sh. Diveshwar Mangotra has stepped into the witness box as CW1 and reiterated the whole sequence of event in minute details through his affidavit Ex.CA, as got detailed by him in his written complaint. Complainant has also placed on record documents i.e. Ex.C1 to Ex.C5 and closed preliminary evidence. Heard on point of summoning of accused. The requirement of issuing a pre-trial notice under Section 223 of the BNSS not applicable in Special Statute in cases under Section 25 of Payment and Settlement Systems Act, 2007 read with Section 138 of NI Act because Special Act has prescribed a special procedure and it is special law within the meaning of Section 5 of BNSS. Hence, the procedure of hearing the accused at the stage of taking cognizance as prescribed in proviso under Section 223 of BNSS not applicable in the present complaints. As the accused is resident of out of Ludhiana, as such the mandate of Section 225 of BNSS requires that before issuance process to such an accused who resides beyond jurisdiction of the Court, an inquiry/investigation is required to be held and satisfaction to this effect as to be recorded. However, the offence under Section 25 of the Payment and Settlement Systems Act, 2007 read with Section 138 of Negotiable Instrument Act is purely technical in nature and governed by a Special Statute. In my opinion, an inquiry under Section 225 of BNSS is unwarranted in an offence under Section 25 of the Payment and Settlement Systems Act, 2007 read with Section 138 of Negotiable Instrument Act as there is no scope of investigation of police in such offence.

I have also conducted the inquiry as envisaged under Section 225 of BNSS. After perusing the statement of the authorized representative of complainant and going through the documents placed on record by him, this Court is of the considered opinion that there are sufficient grounds to proceed against the accused under Section 25(1) of the Payment and Settlement Systems Act, 2007. Accordingly, the accused is ordered to be summoned through RC/AD for 02.05.2026 on filing of PF, RC and copy of complaint within a week. Dasti summons be issued, if required.

Date of Order: 17.03.2026
Simranjit (Stenographer-III)

Chandan, PCS,
Judicial Magistrate-Ist Class,
Ludhiana/UID No.PB0680.