

20 CC NI ACT / 2567/2024 Raj Kumar Mehta Vs. Raghu Raj Singh /0  
(Defence Colony)

14.08.2026

Present: Sh. Abhinav Kaushik, Ld. Counsel for complainant.  
Sh. Paras Bhardwaj, Ld. Counsel for Proposed accused.

There is an application for condonation of delay in the present case.

Court notice issued against the accused received back served.

Report of process server is already on record.

It seems respondent/ proposed accused is aware about the proceedings of the court and evading his presence in the court as no one appeared on behalf of the proposed accused/ respondent.

Ex-parte arguments have been heard on the application for condonation of delay.

Ld. Counsel for complainant submits that the complaint could not be filed in due time because of Jurisdiction defect.

It is an established rule of law that the procedure is the handmaid of justice and not its mistress. It shall be against the principle of justice if the complainant is made to suffer due to a procedural lapse.

In view of the submission made, the same is allowed.

File perused.

Cognizance is taken.

Pre-summoning evidence by way of affidavit is already on record and is relied upon in terms of the Hon'ble Supreme Court judgment in *A.C. Narayanan Vs. State of Maharashtra, 2014*.

Arguments have been heard upon the point of summoning of the accused. After going through the complaint, documents attached with it and testimony of the complainant, it prima facie appears that offence U/s 138 of N.I Act is committed and it further appears that all the statutory

requirements have been complied with and complaint is filed is within the period of limitation. Sufficient ground for summoning accused who is the signatory on the cheque is made out.

There is no requirement of sending formal summons to the proposed accused as he has already appeared in the present matter.

Put up for appearance of accused/ furnishing of surety bonds in the sum of Rs. 80,000/- / framing of notice on **08.10.2026**.

**(AASTHA SHARMA)**  
**JMFC(NI-Act)-03/SE/ SAKET COURTS**  
**NEW DELHI /14.08.2026**