

Hero Fincorp Limited Vs SUNIL HANMANT ITALKAR

Present: Sh. Sachin Goel Advocate, counsel for the complainant.
Present complaint has filed by Hero Fincorp Ltd. Its through Authorized Officer/Attorney Diveshwar Mangotra, who is complainant in the present complaint.

Heard on the point of summoning. CW1 has stepped into witness box and reiterated the court sequence of events of minute details through his affidavit as Ex.CA as co-details by him in his written complaint. He also placed on record documents **Ex.C1 to Ex.C5** which includes copy of Power of Attorney, ECS Mandate Extract Form, copy of Memo, copy of Legal Notice and postal receipt etc. He closed preliminary evidence. Accused has failed to make the payment despite the issuance of the notice within the statutory period. Present complaint has been filed within the prescribed period of limitation. 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 u/s 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.

After pursuing the statement of the complainant and going through the documents placed on record by him, this Court is of the considered opinion that there is sufficient ground to proceed against accused u/s 25 of the Payment of Settlement System Act 2007. Accordingly, the accused is ordered to be summoned through RC/AD for **21.09.2026** on filing of PF/RC and copy of complaint within a week. Dasti summons be issued if requested.

Dated: 29.07.2026
Neha St-III

Jyoti Kumari, PCS
Judicial Magistrate Ist Class,
Ludhiana (UID No.00668)