

C C No. 8921/2021
DLCT020246222021
M/S CHOLAMANDALAM INVESTMENT AND FINANCE CO LTD
Vs.
SH. MANOJ SHUKLA

14.03.2022

Proceedings conducted online through VC using Cisco WebEx.

Present: Sh. Prayag Singh Pawar, Ld. Counsel for the complainant.

Ld. Counsel for the complainant submits that he has deposited all the original documents with the Reader-cum-Ahlmad of the Court. The Reader-cum-Ahlmad is directed to keep the originals in his safe custody.

Record of the file perused. All the statutory requirements under NI Act are complied with. The present complaint case is filed within limitation. After perusal of the entire record, this Court is of the considered opinion that prima facie case punishable u/s 138 of NI Act is made out against the accused. I, therefore, take cognizance of the said offence.

Arguments heard on the point of summoning. Following the law laid down in *A. C. Narayanan Vs. State of Maharashtra & Anr. (2014) 11 SCC 790*, complaint, affidavit of evidence and documents considered. In view of complaint; documents produced with respect to return of cheque on dishonourment and service of legal demand notice; and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused for offence punishable under Section 138 NI Act.

Let summons be issued to the accused on filing of PF/RC/AD/ speed post, returnable on **27.05.2022**. Complainant is directed to file PF and take steps within **15 days** including providing copy(ies) of complaint and related documents. Reader-cum-Ahlmad is directed to issue the summons only after ensuring that the same has been done. **The complainant is also apprised of the fact that at the time of filing first PF, he is required to fill the mandatory NI Act Complaint Meta Data.**

Service be also effected on the email, WhatsApp message(s) and text message of accused person(s), as provided by the complainant and further subject to filing of report of service.

As per the guidelines laid down as in the case titled as *Damodar S. Prabhu Vs. Sayed Babalal H, (2010) 5 SCC 663*, the Reader-cum-Ahlmad is directed to mention the following two clauses on the summons issued against the accused (by adding separate sheet, if required):

“A. 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 costs on the accused.

B. If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the court at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the District Legal Services Authority.”

The Reader-cum-Ahlmad is directed to mention the official email id and video conferencing link of this Court on the summons. **Complainant is directed to file the process fee and postal envelopes physically, mentioning the details of the case etc. for issuance of summons to the accused.** Reader-cum-Ahlmad is further directed to preserve PF form, service report, postal/ courier envelopes and upload scanned copies thereof on the LAYERS 2.0.

Accused is directed to appear before this court through video-conferencing on the Cisco WebEx application through the permanent Cisco WebEx VC Room Id <https://districtcourtdelhi.webex.com/join/nicentral3> . Parties can access information pertaining to working of Digital NI Act Courts through the link <https://delhicourts.nic.in/digitalniccourts.html> .

Put up for appearance of accused, grant of bail and framing of notice under section 251 Cr.P.C. on **27.05.2022 at 10.00 A.M.**

(Preeti Rajoria)
MM (NI Act), Digital Court-03,
Central, THC, Delhi
14.03.2022