

46 CC NI ACT / 2559/2025 Akara Capital Advisors Private Limited
Vs. VISHAM

24.06.2025

Proceedings conducted online through VC using Cisco Webex as well as through Hybrid Mode.

Present : Mr. Shivam, Ld. counsel for the complainant through V.C.

None for the proposed accused.

Notice issued to the proposed accused not received back.

Ld. Counsel for the complainant states that he has filed a tracking report of service of notice along with the Speed Post Receipt on the official email-ID of this court from which it is clear that notice has been served upon the proposed accused side. Let the same be taken on record. Reader is directed to upload the same on the Layers.

However, no one has put up the appearance on behalf of the proposed accused before the court since morning.

Be awaited.

At 2.10 pm

Present : None.

Due to the paucity of space at room no. 182, First Floor, Tis Hazari Courts, Delhi, original file is not submitted. The complainant is hereby directed to keep the file in safe custody and produce the same as and when directed by this court.

(Shubhamjot Kaur Rakhra)
Judicial Magistrate, First Class
(N.I. Act), Digital Court-03,
Central, THC, Delhi/24.07.2025

(1) This is a complaint filed for an offence punishable under Section 25 of The Payments & Settlement Systems Act, 2007 read with Section 138 Negotiable Instruments Act. Complaint, affidavit of evidence and other annexed documents perused. I take cognizance of said offence.

(2) 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 and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused person(s) for offence punishable under Section 25 of The Payments & Settlement Systems Act, 2007 r/w Section 138 Negotiable Instruments Act.

(3) Hence, issue summons against the accused person(s) on P.F./R.C./Approved Courier/Speed post, returnable on next date of hearing. 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. For facilitation of the same, dasti summons are permitted. In the event the house/office/premises is found to be locked/refusal to accept the service/any other contingency the process be served through affixation in terms of Section 65 Cr.P.C.

(4) 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

(Shubhamjot Kaur Rakhra)
Judicial Magistrate, First Class
(N.I. Act), Digital Court-03,
Central, THC, Delhi/24.07.2025

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.”

(5) Complainant is directed to file the process fee as well as postal envelopes physically, mentioning the details of the case etc. for issuance of summons to the accused and take steps **within 15 days** including providing copy(ies) of complaint otherwise the complaint may be dismissed U/s 204(4) Cr.P.C. 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. Reader-cum-Ahlmad is directed to issue the summons only after ensuring that the same has been done.

(6) The Reader-cum-Ahlmad is directed to mention the official email id and video conferencing link of this Court on the summons. Reader-cum-Ahlmad is further directed to preserve PF

(Shubhamjot Kaur Rakhra)
Judicial Magistrate, First Class
(N.I. Act), Digital Court-03,
Central, THC, Delhi/24.07.2025

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/digitalnicourts.html> .

Put up for appearance of accused, grant of bail and framing of notice under section 251 Cr.P.C on 29.11.2025.

The order be uploaded as per rules.

(Shubhamjot Kaur Rakhra)
Judicial Magistrate, First Class
(N.I. Act), Digital Court-03,
Central, THC, Delhi/24.07.2025