

11 CC NI ACT 5043/2024 Manappuram Finance Ltd Vs. Zeba Aazmi
12 CC NI ACT 5044/2024 Manappuram Finance Ltd Vs. Babita Arya
13 CC NI ACT 5046/2024 Manappuram Finance Ltd Vs. VivekKumar
14 CC NI ACT 5047/2024 Manappuram Finance Ltd Vs. Imran
15 CC NI ACT 5049/2024 Manappuram Finance Ltd Vs. RakeshKumar
16 CC NI ACT 5050/2024 Manappuram Finance Ltd Vs. Parvez
17 CC NI ACT 5056/2024 Manappuram Finance Ltd Vs. Pooja Devi
18 CC NI ACT 5057/2024 Manappuram Finance Ltd Vs. RandhirSingh Rathoure
19 CC NI ACT 5059/2024 Manappuram Finance Ltd Vs. SurenderKumar
20 CC NI ACT 5060/2024 Manappuram Finance Ltd Vs. SalimAhmad
22 CC NI ACT 5068/2024 Manappuram Finance Ltd Vs. VijayShankar Srivastav
37 CC NI ACT 5584/2024 Manappuram Finance Ltd Vs. SimranSharma
38 CC NI ACT 5586/2024 Manappuram Finance Ltd Vs. DeepanshuGoyal
39 CC NI ACT 5588/2024 Manappuram Finance Ltd Vs. Kajal
40 CC NI ACT 5590/2024 Manappuram Finance Ltd Vs. SatnamSingh
41 CC NI ACT 5592/2024 Manappuram Finance Ltd Vs. DhirajKumar Rai
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43 CC NI ACT 5595/2024 Manappuram Finance Ltd Vs. Priti

03.05.2025

Present: Sh. Vipin Pillai, Ld. Counsel for complainant along with
AR/Sh. Dheeraj Kumar Yadav.

Clarifications taken.

This is complaint filed for offence punishable under Section 25 of the Payment and Settlement Systems Act, 2007. Complaint, affidavit of evidence and other annexed documents perused. I take cognizance of said offence, in terms of provision u/s 142 NI Act.

The counsel for the complainant requests that the pre-summoning may be carried out in absence of AR of the complainant in terms of the dictum of *A C Narayanan judgment*. He further submits that although the present matter is under Section PASA Act, 2007, however, sub Section (5) of Section 25 PASA Act states that the provisions of chapter 17 of Negotiable Instrument Act shall apply to the dishonour of electric funds transfer.

In matter of “*A. C. Narayanan Vs. State of Maharashtra & Anr.*” (2014) 11 SCC 790, **Full Bench** of *Hon'ble Supreme Court of India* has held that “...it is a matter of discretion and the Magistrate is not bound to call upon the complainant to remain present before the court and to examine him upon oath for taking decision whether or not to issue process on the complaint

under Section 138 of the NI Act. For the purpose of issuing process under Section 200 of the Code, it is open to the Magistrate to rely upon the verification in the form of affidavit filed by the complainant in support of the complaint under Section 138 of the NI Act...”

Complaint, affidavit of evidence and documents considered in light of above cited judgment. In opinion of this Court, there is no need to examine the complainant's evidence for purpose of issuance of process. 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 Payment and Settlement Systems Act, 2007.

Hence, **issue summons** against the accused person(s) on P.F./R.C./Approved Courier for **25.08.2025**. The complainant can provide email address/mobile number of accused person(s), if any for service. The service of summons through what's app message(s) and text message(s) is also permitted provided the complainant files an affidavit to the effect that number on which the said message(s) are sent is/are of the accused person(s) and further subject to filing of report of service. *Complainant is at liberty to take steps for dasti service of accused.*

The process server is directed to serve the summons by way of affixation, if premises found closed or same could not be served personally or on any adult male member. An endorsement be also made that if application for compounding at first or second hearing is made the court may pass appropriate orders at the earlier as per judgment of ***Damodar S. Prabhu; (2010) 5 SCC 663.***

Complainant is directed to file PF 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. Dasti summons also permitted for service.

(SHIVANGI MANGLA)
JM, 1st Class (NI Act)-05
South-West District/Dwarka Courts
New Delhi/03.05.2025