

129 CC NI Act 9150/25

Hero Fincorp Ltd. vs. Sarfaraj Shokatmiya Shaikh
15.01.2026

Present: Sh. Mohit Jalal, Ld. counsel for complainant through
V/C.

Today CIS and Layers are not working as there is
disturbance in Webex V/C.

In the interest of justice, no adverse order is being passed.

Physical file received.

Arguments on summoning heard.

In view of the directions issued by the Hon'ble Supreme
Court of India, in the case of Sanjabij Tari v. Kishore S. Borcar and Anr.,
Crl. Appeal No. 1755 of 2010, the requirement to issue summons to the
accused in terms of Section 223, BNSS i.e. at pre-cognizance stage has
been dispensed with.

Original documents have been filed today. The case has already
been registered as it was filed via e-filing.

Evidence by way of affidavit tendered by the complainant. Pre-
summoning evidence stands closed. Case is prima-facie within limitation.

Arguments on summoning of accused heard. Complaint and
documents filed therewith perused.

Upon consideration of complaint, documents filed and examination
of complainant, prima facie there appears to be sufficient ground to
proceed against the accused **u/s 25 of the Payment and Settlement Systems
Act, 2007.**

Accordingly, I take cognizance, let **summons be issued upon
accused** upon filing of PF/RC/speed post within 20 days through all
permissible modes including e.mail and Whatsapp service.

As per the guidelines laid down in the case titled as '**Damodar S.
Prabhu Vs. Sayed Baba Lal H'**, AIR 2010 (SC) 1907, Ahlmad is directed to
make a mention on the summons (add separate sheet, if required) that the
accused can make an application for compounding of the offence at the
first or second hearing of the case and, if such an application is made,
compounding may be allowed by the court without imposing any cost on
the accused.

Put up for reports on summons on 13.07.2026.

(SHIV KUMAR)

JMFC (NI Act)-05/SW District

Dwarka Courts/New Delhi/15.01.2026