

Yes Bank Ltd Vs.

NACT- 8826, 8861, 8860, 8858, 8846, 8865, 8856, 8867, 8840, 8833-2025

Present: Sh. Aayush Rathee, AR for complainant.

Complaint presented today before me being nominated court. It be checked and registered. Preliminary evidence is recorded. Complainant has closed his preliminary evidence after tendering Ex. CW1/A and other documents.

As per the new provision of **The Bharatiya Nagarik Suraksha Sanhita, 2023 i.e. Section 223 of the Said Act**, it is mandatory that the magistrate shall send notice to the accused for giving opportunity of being hear before taking the cognizance of an offence upon filing of a complaint. The relevant **Section 223 of The Bharatiya Nagarik Suraksha Sanhita, 2023** reads as under:

223. (1) A Magistrate having jurisdiction while taking cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate:

Provided that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard:

Therefore, in view of the above said provision. Let notice of the present complaint be issued to the respondent as to show cause that why the summoning order against him should not be passed. Let, notice to the respondent be issued for 12.12.2025 on filing of copy of complaint, PF, RC etc. within seven days through all modes except by way of publication.

Date of Order: 25.02.2025

RAjesh
(Stenographer Gr. II)

(Akash Jindal)
JMFC/Gurugram
(UID No- HR0606)