

Present: Complainant with counsel Sh.Ashwani Sharma Advocate

Complaint u/s 25 of Payment and Settlement Systems Act, 2007 presented today. It be registered. The present complaint has been moved by the complainant company through their authorized representative namely, Diveshwar Mangotra.

2. In preliminary evidence, the complainant company examined Diveshwar Mangotra, attorney holder as CWI and tendered into evidence his duly sworn affidavit Ex. CA (wherein he reiterated the facts as mentioned in the complaint on oath) along with documents Ex. C1 to Ex. C5 and thereafter closed his preliminary evidence.

3. I have heard the learned counsel for the complainant and have perused the case file minutely with his able assistance.

4. The requirement of issuing a pre-trial notice under Section 223 of the BNSS not applicable in Special Statute in cases under Section 25 of Payment and Settlement Systems Act, 2007 read with Section 138 of NI Act because Special Act has prescribed a special procedure and it is special law within the meaning of Section 5 of BNSS. Hence, the procedure of hearing the accused at the stage of taking cognizance as prescribed in proviso under Section 223 of BNSS not applicable in the present complaint. This court is further supported in his view by finding of Hon'ble Supreme Court of India in case of **Sanjabij Tari Vs Kishore S. Borcar & Anr, 2025 LiveLaw (SC) 952**'.

5. Perusal of the complaint as well as the preliminary evidence so available on record which includes copy of power of attorney, copy of ECS mandate, copy of bounce memo, copy of legal notice, postal receipt etc. prima facie shows that the instant complaint has been filed by the complainant within the period of limitation. In the present case, the accused is residing at a place beyond the jurisdiction of this court, therefore, the court is duty bound to conduct enquiry u/s 225 BNSS (Section 202 Cr.P.C.), Section 225 of the BNSS provides that any Magistrate on receipt of complaint of an offence of which he is authorized to take cognizance or which has been made over to him under Section 212 may, if he thinks fit, and shall, in case where the accused is residing at a place beyond the area in which he exercises his jurisdiction, postpone the issue of process against the accused, and either enquire into the case himself or direct an investigation to be made by the Police Officer or by such person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding.

6. However, the scope of enquiry u/s 225 BNSS in complaints u/s 25 of the Payment and Settlement Systems Act is limited. The court can only rely upon the preliminary evidence adduced by the complainant and the documents attached with the complaint.

7. Accordingly, as per the mandate of Section 225 BNSS, the undersigned has enquired into the case and have scrutinized the documents carefully. On the basis of documents attached with the file and evidence tendered by the complainant in his preliminary evidence,

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this court is of the considered opinion that sufficient grounds are made out to summon the accused under Section 25 of the Payment and Settlement Systems Act, 2007. The detailed expression of opinion is avoided as it is no longer necessary in view of the observations of the Hon'ble Supreme Court of India in **U.P. Pollution Board vs. Mohan Meekan**, 2000 (2) RCR (Criminal) 421 and reiterated in **Deputy Chief Controller of Import and Export vs. Roshan Lal Aggarwal**, 2003 (2) RCR (Criminal) 110 (SC).

8. Accordingly, the accused is ordered to be summoned to face trial for the offence under Section 25 of the Payment and Settlement Systems Act, on filing of PF, copy of complaint etc. for **25.05.2026**. Summons be sent through RC /AD as well as through ordinary process. Process server is directed to visit the house of the accused again and again till the service of summons. Further, summons be served preferably to the accused, however, in case, the accused refuses to take the summons. Summons be affixed on the wall of the house of the accused. Dasti summons be also issued, if desired. List of witnesses be also filed forthwith and positively within 7 days, failing which complainant cannot seek any assistance from the court.

Pronounced:
20.03.2026

(Vishi Chawla)
Judicial Magistrate 1st Class
Ludhiana/UID No.PB0726

Neelam Kumari

Stenographer Grade-II