

Present: Sh. Ashwani Sharma, Advocate for complainant.

The present complaint has been moved by complainant Hero Fincop Ltd. through Sh. Diveshwar Mangotra, authorized person of complainant company, who tendered an affidavit in his preliminary evidence and thereby closed preliminary evidence.

Heard on point of summoning, Sh. Diveshwar Mangotra, authorized person of complainant company stepped into the witness box as CW1 and reiterated the whole sequence of event in minute details through his affidavit Ex.CA, as got detailed by him in his written complaint. He also placed on record documents Ex C1 to Ex C5 which includes copy of ECS mandate, memos, copy of legal notice, postal receipts etc.

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 inquiry u/s 225 BNSS (Section 202 CrPC). 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 inquire 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. However, the scope of inquiry u/s 225 BNSS in complaints u/s 25 of the P&S Act is limited. The court can only rely upon the preliminary evidence adduced by the complainant and the documents attached with the complaint.

Accordingly, as per the mandate of Section 225 BNSS, the undersigned has inquired into the case herself 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, this court is of the considered opinion that sufficient grounds are made out to summon the accused under Section 25 of the P&S Act. 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).**

Accordingly, the accused is ordered to be summoned to face trial for the offence under Section 25 of the P&S Act, on filing of PF, copy of complaint etc. for **31.08.2026**.

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.

Now to come upon 31.08.2026 for awaiting presence of accused.

Dated : 09.07.2026
Prerna STG-III

(Armaan Sandhu)
JMIC/Ludhiana
UID No. PB0745