

81 CC NI ACT / 2011/2025 HERO FINCORP LTD Vs. BRINDABAN
DAS

05.05.2026

Case received by way of transfer.

Present: Ld. Counsel for complainant.

Considering the law laid down by the Hon'ble Supreme Court of India titled in "Sanjabij Tari Vs. Kishore S. Borcar" dated 25.09.2025 wherein it was held that there is no need to conduct the pre-cognizance hearing before taking the cognizance under the cheque bouncing cases. Therefore, the court is not issuing the notice u/s 223 BNSS.

This is the complaint filed for offence punishable under Section 25 of Payments and Settlement Systems Act, 2007.

Complaint, affidavit of evidence and other annexed documents perused. It is clear that the complaint is filed within the prescribed period of limitation. There appears to be prima facie material sufficient to take cognizance against the accused and to summon him.

I take cognizance of the said offence.

In the matter of "AC Narayanan Vs. State of Maharashtra and Ors (2014) 11 SCC 790", the Hon'ble Supreme Court 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 u/S 138 of NI Act. For the purpose of issuing process u/S 200 of the Cr.p.c., 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 u/S 138 of NI Act".

Complaint, affidavit of evidence and other annexed 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 for offence punishable under Section 25 of Payments and Settlement Systems Act, 2007.

Considering the amount involved in the present matter, I deem fit to refer the matter before National Lok Adalat.

Issue summons to the accused U/s 25 Passa for 09.05.2026 and in case the matter remains unsettled then the list matter alternatively on **22.12.2026** on the filing of PF within a week.

(Nitesh Goel)
Judicial Magistrate-Ist Class
(NI Act)-09/South-West,
Dwarka/05.05.2026