

46914-2025

Present: Sh. Ashwani Sharma Adv., for the complainant.

The present complaint has been moved by the authorized representative of **complainant namely Diveshwar Mangotra** who tendered an affidavit Ex. CA along with documents Ex. C1 to Ex. C5 in his preliminary evidence and thereby closed preliminary evidence.

Heard on point of summoning of accused. As the accused is **resident of Salem** as such, the mandate of section 202 Cr.P.C requires that before issuance process to such an accused who resides beyond jurisdiction of the court an inquiry/investigation is required is to be held and satisfaction to this effect as to be recorded. However, the offence under Section 25 of the Payment and Settlement Systems Act, 2007 read with Section 138 of Negotiable Instrument Act is purely technical in nature and governed by a Special Statute. In my opinion, an inquiry U/s 202 Cr.P.C is unwarranted in an offence under Section 25 of the Payment and Settlement Systems Act, 2007 read with Section 138 of Negotiable Instrument Act as there is no scope of investigation of police in such offence.

Now, authorized representative of **complainant namely Diveshwar Mangotra**, has 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. Complainant has also placed on record documents i.e. Ex.C1 to Ex.C5.

After perusing the statement of the authorized representative of complainant and going through the documents placed on record by him, this Court is of the

considered opinion that there are prima facie grounds to proceed against the accused under Section 25 of the Payment and Settlement Systems Act, 2007. Accordingly, accused is ordered to be summoned to face trial for above said offence for **27.10.2026 on filing of PF/RC. Dasti process, if requested, be issued.**

Pronounced in open court
Dated 07.08.2026
Prem Khorwal Stg.III

(Parminder Kaur-I) PCS
Judicial Magistrate 1st Class,
Ludhiana. UID No.PB0767