

110 CC NI ACT / 21479/2025 Hero Fincorp Ltd. Vs. PINKESH KUMAR
23.04.2026

In compliance of order no. 6296-6330/DHC/ Gaz.IIB/G-7/VI.E.2(a)/ 2025 dated 18.11.2025, the present complaint case received by way of transfer.

Present: Sh. Sachin Katyal, Ld. Counsel for the complainant.

In view of the judgment passed by Hon'ble Supreme Court of India in case titled as Sanjabij Tari vs. Kishore S. Borcar and Anr, Criminal Appeal no.1755/2010, notice u/s 223 BNSS is dispensed with.

Arguments on summoning heard.

I have gone through the entire record including the complaint and the documents. It is alleged that accused has executed the ECS in question in favour of the complainant to discharge his liability which got dishonored. Therefore, demand notice was sent to the accused by the complainant. Despite service/ deemed service of said notice, accused has failed to make the payment as per provisions of law.

Complaint is filed within the prescribed period of limitation. In my considered opinion, prima facie there is sufficient material available on record to summon the accused.

The counsel for the complainant requests that the pre-summoning may be carried out in absence of AR of the complainant in terms of the dictum of A C Narayanan judgment. She/He further submits that dictum of A C Narayanan is also applicable to complaints.

In matter of "**A. C. Narayanan Vs. State of Maharashtra & Anr.**" (2014) 11 SCC 790, Full Bench of Hon'ble Supreme Court of India 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 25 of Payment and Settlement Act, 2007.

Complaint, affidavit of evidence and documents considered in light of above cited judgment. In opinion of this Court, there is no need to examine the complainant 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 person(s) for offence punishable u/s 25 of Payment and Settlement Act, 2007.

Hence, accused/s be summoned through all permissible modes for offence u/s 25 of Payment and Settlement Act, 2007 on filing of PF/RC within two weeks. In the event the house/office/premises is found to be locked/refusal to accept the service/any other contingency the process be served through affixation.

Matter be taken up now on **04.01.2027**.

(NEELMANI SHARMA)
JMFC(NI ACT)-04/DWARKA COURTS
NEW DELHI/23.04.2026