

46 CC NI ACT / 2457/2025

REYNOBOND INDIA Vs. AMIT KUMAR SINGH

Proceedings conducted through Video Conferencing via CISCO Webex app as well as through Hybrid Mode.

09.05.2025

Present: Sh. Mehul Singh Tomar, Ld Counsel for the complainant.
None for the proposed accused.

Matter is listed for appearance of proposed accused/arguments on summoning/
further consideration.

Notice issued against the proposed accused not received back.

Tracking report filed on behalf of the complainant.

Perusal of tracking report reveals that notice has been duly served upon the
proposed accused. Despite due service, proposed accused has failed to enter appearance before
the Court.

Sufficient opportunity has been granted to the proposed accused in terms of
Section 223 of the BNSS, 2023.

Submissions heard on the aspect of cognizance and summoning.

The present complaint has been filed u/s 138 NI Act. Record of the file perused.
All the statutory requirements u/s 138 NI Act have been complied with. Perusal of the entire
record including the complaint and the annexed documents shows that prima facie case u/s 138
NI Act is made out. The present complaint is well within the period of limitation.

I, therefore, take cognizance of the present offence u/s 138 NI Act.

Arguments heard on the point of summoning. Following the law laid down in **A.
C. Narayanan Vs. State of Maharashtra & Anr. (2014) 11 SCC 790**, the complaint, affidavit
of evidence and documents considered. In view of the complaint, documents produced and
verification in the form of affidavit of evidence, there exist sufficient grounds for proceeding
further against the accused person for the offence punishable under Section 138 NI Act.

**Let summons be issued to the accused on filing of PF/RC/AD/speed post,
within 30 days, returnable for the next date of hearing.**

**Summon be also served through e-mail, whatsapp and text message, on all
the addresses provided by the complainant. Service effected by the complainant be
subject to filing of report of service.**

In case the service is not possible due to the premises being locked, or due to
unavailability or refusal, the process server is directed to serve the summons by way of

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Affixation and file a photograph of the affixed summons clearly indicating the place where they are fixed in a manner which shows that the affixation has been done on the given address, as best possible.

Complainant is directed to file PF and take steps within thirty days including copies of complaint and relating documents. Ahlmad is directed to issue the summons only after ensuring that the same has been done. The complainant is further apprised of the fact that at the time of filing of first PF, the complainant is required to fill the mandatory NI Act complaint Metadata.

As per the guidelines in the case of ***Damodar S. Prabhu Vs. Sayed Babulal H.; (2010) 5 SCC 663***, Ahlmad is directed to mention the following 2 clauses on the summons issued against the accused (by adding separate sheet, if required) :

“A. Accused can make an application for compounding of the offence at the first and second hearing of the case and if such an application is made, compounding may be allowed by the Court without imposing any costs on the accused.

B. If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the court at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the District Legal Services Authority.”

Ahlmad is directed to mention the official email ID and video conferencing link of this court on the summons. Complainant is directed to file PF and postal envelopes physically mentioning the details of the case etc. for issuance of summons to the accused. Ahlmad is further directed to preserve PF form, service report, postal courier envelopes and scanned copy thereof on LAYERS.

Accused is directed to appear before this court physically alongwith Ld. Counsel in Room No.110, Extn. Block building, Tis Hazari Court, at 10.00 am sharp or through Video Conferencing on the CISCO Webex application to the permanent CISCO Webex Video Conferencing room ID : 25151759834. Complainant is also directed to appear before the court physically alongwith Ld. Counsel or through video conferencing. Parties can access information pertaining to working of Digital NI Act courts through the link 25151759834.

Put up for appearance, grant of bail and framing of notice u/s 251 Cr.P.C on **23.09.2025.**

Order be uploaded as per rules.

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