

40 CC NI ACT / 2818/2026

KALPAVRIKSHA COOPERATIVE URBAN THRIFT ND CREDIT SOCIETY
LTD Vs. NOOR ALAM (Badarpur)

29.07.2026

Present: Ms. Ishmita Chopra, Ld. Counsel for complainant.

In light of the judgment passed by Hon'ble Apex Court in *Sanjabij Tari Vs. Kishore S. Borcar & Anr. (2025)*, it was held that there is no requirement of issuing court notice to proposed accused in section 138 NI matters and therefore the presence of proposed accused is dispensed with.

File perused.

Cognizance is taken.

Pre-summoning evidence by way of affidavit is already on record and is relied upon in terms of the Hon'ble Supreme Court judgment in *A.C. Narayanan Vs. State of Maharashtra, 2014*.

Arguments have been heard upon the point of summoning of the accused. After going through the complaint, documents attached with it and testimony of the complainant, it prima facie appears that offence U/s 138 of N.I Act is committed and it further appears that all the statutory requirements have been complied with and complaint is filed within the period of limitation. Sufficient ground for summoning accused who is the signatory on the cheque is made out.

Let the **accused** be summoned on filing of PF, and RC/Speed post/approved courier with directions to the process server to serve the accused through affixation in case of non availability, refusal or if the premise was found locked, returnable for **12.01.2027**. Steps be taken within 30 days from today. Ahlmad to issue summons within 10 days from filing of PF. Complainant is directed to utilize all the modes for the service of summons.

Accused be served through affixation also in terms of Section 65 of Cr.P.C. Complainant is also at liberty to accompany the process server for effective service of summons.

(AASTHA SHARMA)
JMFC(NI-Act)-03/SE/ SAKET COURTS
NEW DELHI /29.07.2026