

06.08.2026

Proceedings are being conducted through hybrid manner.

Present: Mr. Sukhpreet, Ld. Counsel for the complainant through VC.

In view of the decision of Hon'ble Supreme Court in *Sanjabij Tari v. Kishore S.Borcar & Anr, Crl. Appeal No. 1755 of 2010*, the pre cognizance notice upon the accused u/s 223 BNSS is hereby dispensed with.

On the basis of the material available on record, since there exists a prima facie case against the accused for the offence Section U/s 138 of the Negotiable Instruments Act, 1881, **cognizance is taken.**

In light of the decision of full bench of Hon'ble Supreme Court of India cited as *A. C. Narayan v. State of Maharashtra & Anr. (2014) 11 SCC 790*, this Court is of the considered opinion that there is no need to examine the complainant at this pre-summoning stage for the purpose of issuance of process against the accused.

At this stage, arguments on point of summoning are heard. I have perused the complaint, evidence affidavit and the documents on record.

Prima facie, it appears that the cheque in question was issued by the accused in favour of the complainant in discharge of a legal liability. The cheque in question was dishonoured on presentation. Legal notice was served upon the accused. Despite the service of the notice, accused has failed to make the payment within the stipulated time. There are sufficient grounds for proceeding against the accused.

Accordingly, let summons be issued upon the accused through all modes on filing of PF within 15 days, returnable for NDOH.

The complainant is directed to place on record the tracking report of Speed Post/Registered AD on the next date of hearing positively.

Put up for appearance of **accused** on **19.11.2026**.

(Shiva Parashar)
JMFC (NI Act)-04/Saket Courts,
South/New Delhi/06.08.2026