

52CC NI ACT/13858/2024
CNR NO.: -DLCT021064912024
MUTHOOT FINANCE LTD VS. SANJAY JOSHI

08.10.2025

Present : Sh.Rishah Shukla, Ld. Proxu Counsel for the complainant through VC.

PF filed.

Ld. Counsel for complainant submits that as per the recent judgement of Hon'ble Supreme court tilted as **Sanjabij Tari v. Kishore S. Borcar and Anr Crl. No.1755/2010**, pronounced on 25.09.2025 the compliance under proviso to Section 223 BNSS has been dispensed with in the cases pertaining to Negotiable Instruments Act.

In view of the aforementioned submission, previous compliance of order dated 13.05.2025 stands dispensed.

Submissions heard. Record perused.

The Hon'ble Supreme Court in the decision reported as **A.C. Narayanan vs. State of Maharashtra (2014) 11 SCC 790** has held as under,

“29. From a conjoint reading of Sections 138, 142 and 145 of the N.I. Act as well as Section 200 of the Code, it is clear that it is open to the Magistrate to issue process on the basis of the contents of the complaint, documents in support thereof and the affidavit submitted by the complainant in support of the complaint....

...33.4 In the light of Section 145 of the NI Act, it is open to the Magistrate to rely upon the verification in the form of affidavit filed by the complainant in support of the complaint under Section 138 of the NI Act and the Magistrate is neither mandatorily obliged to call upon the complainant to remain present before the Court, nor to examine the complainant or his witness upon oath for taking the decision whether or not to issue process on the complaint under Section 138 of the NI Act.”

Similar directions have been issued in **Indian Bank Association & Ors. vs. Union of India (2014) 5 SCC 590 and Rajesh Agarwal vs. State (2010) 171 DLT 51.**

On consideration of the complaint, annexed documents and the verification affidavit of the complainant, this Court is of the opinion that prima facie there are sufficient grounds for proceeding against the accused mentioned, I hereby take cognizance of the offence under Section 138, Negotiable Instruments Act, 1881. There is no requirement for examination of the complainant or witnesses for purpose of issuance of process in view of the above-mentioned directions of the Hon'ble Apex Court and Hon'ble Delhi High Court. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the NI Act.

Let **accused Sanjay Joshi** be summoned on filing of pf, rc/speed post/ approved courier service/e-mail within 30 days for NDOH.

Complainant is directed to place the tracking report of summons sent through speed post on record on the next date. 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 in terms of Section 65, CrPC.

As per the guidelines laid down as in the case titled as Damodar S. Prabhu Vs. Sayed Babalal H, AIR 2010 (SC) 1907, Ahlmad is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) that "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."

Complainant is granted liberty to serve the accused through all modes.

Re-list the matter for **23.04.2026** for further proceedings.

(Ravisha Sidana)
JMFC, NI Act-06, Central District, THC/08.10.2025