

34 CC NI ACT / 2091/2025

Aqualite Industries Private Limited

Vs. Sunil Namdeo Kamble Proprietor of Sourabh Sales Corporation

11.06.2026

Present matter has been received by way of transfer from Digital Courts to this physical Court.

This Court is physical Court. For physical appearance, parties / counsels shall appear from Court room no. 508, Extn. Block, THC.

Present: Sh. Praveen Sehrawat, Ld. counsel for complainant through VC.
Sh. Yakshap Juneja, Ld. counsel for complainant in person.

Ld. counsel for complainant has relied upon the judgment of S.DEEPALAKSHMI v. ARUMUGAM bearing no. CRL. O.P No. 7681/2024. He further submits that in the cheque in question the amount in words has been correctly mentioned and accordingly no material alteration has been done thereby the present complaint is covered within the provisions of s. 138 NIA. Heard. Perused.

At this stage, Sh. Kamal Kumar, Ld. counsel for Proposed accused appeared through VC.

E-filing history be filed.

Put up at 12:30 PM.

At 11:30 AM, Ld. counsel for complainant has furnished e-filing history. Taken on record.

Original documents filed.

Complaint perused. It is supported by affidavit. Cognizance taken.

Perusal of file reveals that cheque(s) got presented for encashment and got returned dishonoured. Accused has failed to make payment within the statutory period despite a legal notice of demand. The Complaint is within the territorial jurisdiction of this Court and is within limitation in view of the judgement of the Hon'ble Supreme Court in its Suo Motu Writ Petition (C) No. 3 of 2020 titled In Re: Cognizance for Extension of Limitation. Enquiry under Section 202 Cr.P.C. conducted by scrutinizing documents. Arguments on summoning heard.

In the matter of **A.C. Narayanan Vs. State of Maharashtra & Anr.** (2014) 11 SCC 790, it was held by Hon'ble Supreme Court "*For the purpose of issuing process under section 200 of the Code, it is open to the magistrate to rely upon the verification in the form of affidavit filed by complainant in support of the complaint under section 138 NI Act...*"

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's evidence 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 under Section 138 NI Act.

Hence, **issue summons** against the accused person(s) on P.F./R.C./Approved Courier for **NDOH**.

Be awaited for accused side till 12:30 PM.

At 12:30 PM

Present: Sh. Yakshap Juneja, Ld. counsel for complainant through VC.
None for accused.

No appearance given despite directions by accused.

Vakalatnama be filed. Copy of complaint be received.

Accused is exempted for today as being the first exemption.

Put up for appearance of accused and consideration on notice on **13.08.2026** at request.

*Parties are directed to appear physically from Court room no. 508, Extn. Block
THC.*

(SHIVANGI MANGLA)
JMFC (NI Act)-05, West
Tis Hazari Courts, Delhi 11.06.2026