

21 CC NI ACT / 15/2025

RELY PAINTS PVT LTD Vs. Amit Yadav /0 (Vivek Vihar)

14.07.2025

Proceedings conducted through Cisco Webex.

Present: Sh. Manoj, Ld. Counsel for the complainant (through VC).

Matter is at the stage of consideration on the point of cognizance.

Amended memo of parties has been filed by Ld. Counsel for complainant. Same be taken on record.

At this stage, Ld. Counsel for complainant has filed affidavit of service with remarks 'refused'. Refusal is a deemed service in the eyes of law.

Accordingly, arguments on the point of cognizance are being heard in his absence.

Arguments heard.

This complaint is filed U/s. 138 of NI Act. It is alleged in the complaint that the accused had issued cheque in favour of complainant in discharge of his liability. On presentation, the cheque was returned dishonoured. Thereafter, the complainant made the demand for the payment of the cheque amount by giving the statutory notice. The accused failed to make the payment within the prescribed period of 15 days from the receipt of the demand notice. Complaint perused. Documents perused.

Prima-facie, there is sufficient material to proceed further. Accordingly, this Court takes cognizance of the offence U/s. 138 of NI Act.

As per the judgment of Hon'ble Supreme Court in ***A.C. Narayanan Vs. State of Maharashtra and Anr. 2014 11 SCC 790*** the examination of the complainant upon oath for issuance of process is a matter of discretion of the Magistrate. In the

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considered opinion of this Court, there is no need to examine the complaint for the purpose of issuance of process. There is sufficient material before this Court to proceed against the accused. I hereby take cognizance of the offence U/s. 138 oAs per the judgment of Hon'ble Supreme Court in *A.C. Narayanan Vs. State of Maharashtra and Anr. 2014 11 SCC 790* the examination of the complainant upon oath for issuance of process is a matter of discretion of the Magistrate. In the considered opinion of this Court, there is no need to examine the complaint for the purpose of issuance of process. There is sufficient material before this Court to proceed against the accused. I hereby take cognizance of the offence U/s. 138 of N.I. Act. f N.I. Act.

I have heard arguments on point of summoning and perused the complaint, evidence by way of affidavit, bank memo, cheque, demand notice and other documents on record. Prima facie the complaint is within limitation. In view of the averments made in the complaint, this Court has territorial jurisdiction to entertain this complaint. No other offence other than Section 138 of NI Act is made out against the accused person(s).

Perusal of the record shows that the accused Amit Yadav is the proprietor of M/s. Geeta Traders. The cheque also bears the signatures of the accused Amit Yadav. Let summons be issued to accused Amit Yadav, proprietor of M/s. Geeta Traders at the given address(es) on filing of PF within 10 days.

Directions:

Directions To Reader-cum-ahlmad:

Send along with summons following documents:

- copy of this order.
- copy of the present complaint;
- and all other documents (including PSE of complainant, if any) annexed with complaint.

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- Mention the official email id and permanent video conferencing link /meeting number of this Court on the summons.

- Reader cum Ahlmad is further directed to send the e-copy of summons to the Nazarat Brach for electronic service of summons.

Directions to accused

Accused is directed to appear before this court through video conferencing CISCO Webex application through VC room ID nishahdara1@districtcourtdelhi.webex.com from a quiet place where facility of audio-video calling, internet and printer is available.

Put up for appearance of accused persons on 27.10.2025.

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