

54 CC NI ACT / 13443/2024

M/S INDIA PESTICIDES LTD Vs. M/S DHALIWAL AND SONS

22.04.2025

Present: None.

Be awaited till 2:00 p.m.

At 2:20 p.m.

Present: Sh. Shourya Yadav, Ld. Counsel for complainant.
None for proposed accused.

Court notice u/s 223 BNSS issued to proposed accused not received back.
Be awaited.

Original postal receipts and tracking report filed on behalf of complainant indicating delivery of court notice u/s 223 BNSS upon the proposed accused. Taken on record.

However, none has appeared on behalf of proposed accused despite service.

It appears that proposed accused does not wish to argue upon the point of summoning. Accordingly, opportunity for the same is hereby closed.

Arguments on summoning heard on behalf of complainant.

File perused. All the statutory requirements under NI Act are complied with. After perusal of the entire record, this court is of the considered opinion that prima facie case punishable u/s 138 of NI Act is made out against the accused. Cognizance of the same is taken.

Perusal of case file reveals that cheque in question was presented for encashment and was returned dishonored vide return memo. Accused has failed to make payment within the legally prescribed period despite the service of legal demand notice upon him. The complaint is within the territorial jurisdiction of this court and is within limitation. Enquiry u/s 202 Cr.PC conducted by scrutinizing documents.

Following the law laid down in **A.C. Narayanan Vs. State of Maharashtra & Anr. (2024) 11 SCC 790**, complaint, evidence by way of affidavit and documents considered. In view of complaint, documents produced and verification in the form of affidavit there are sufficient grounds for proceeding further against the accused for offence punishable u/s 138 NI Act.

Issue summons to the accused, on filing of PF/RC/Courier/ Speed Post within 30 days, as well as through e-mail on the address(s) mentioned in the memo of parties. Service effected through the parties by the complainant be subject to filing of report of service.

In case the case is not possible due to premises being locked, or due to unavailability or refusal, the process server is directed to serve the summons by way of affixation and file a photograph of the affixed summons clearly indicating the place where they are affixed in a manner which shows that the affixation has been done at the given address, as best as possible.

Put up for appearance of accused/ framing of notice on **19.08.2025**.

(ARADHANA)

J.M.F.C.-01(N.I.Act)/Central,
THC/Delhi/22.04.2025