

28.03.2025

Present: Sh. Dheeraj Kumar Yadav, Ld. Counsel for complainant.
Sh. Anshu Kumar, Ld. Counsel for complainant through VC.

This is the complaint filed for offence punishable under Section 25 of Payments and Settlement Systems Act, 2007.

Complaint, affidavit of evidence and other annexed documents perused. It is clear that the complaint is filed within the prescribed period of limitation. There appears to be prima facie material sufficient to take cognizance against the accused and to summon him.

I take cognizance of the said offence.

In the matter of “AC Narayanan Vs. State of Maharashtra and Ors (2014) 11 SCC 790”, the Hon’ble Supreme Court has held that “it is a matter of discretion and the Magistrate is not bound to call upon the complainant to remain present before the court and to examine him upon oath for taking decision whether or not to issue process on the complaint u/S 138 of NI Act. For the purpose of issuing process u/S 200 of the Cr.p.c., 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 u/S 138 of NI Act”.

Complaint, affidavit of evidence and other annexed 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 for offence punishable under Section 25 of Payments and Settlement Systems Act, 2007.

Hence, accused be summoned for offence under Section 25 of Payments and Settlement Systems Act, 2007 on filing of PF/RC/speed post within 15 working days at his given address as well as at his given phone number.

If accused is not found at the above stated address, summons be also served by way of affixation.

Process server is directed to get the photograph of affixed summons and submit that same alongwith the report.

Summons be also issued dasti.

Copy of summons be given dasti to the complainant. The complainant is directed to send the same by way of speed post and file the tracking report of the same alongwith certificate u/S 65B of Indian Evidence Act on NDOH.

The complainant can also provide E-mail address of accused, if any for service. The service of summons through whatsapp message and text message is also permitted provided the complainant files an affidavit to the effect that number on which the said message is sent is of the accused and further subject to filing of report of service. For facilitation of the same, dasti summons are also permitted.

As per the guidelines laid down in the case of “Damodar S. Prabhu Vs. Syed 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 cost on the accused.

Complainant is directed to file PF and take steps within 07 days including providing copy of complaint and relevant documents, otherwise the complaint may be dismissed under Section 204(4) Cr.P.C.

Put up for appearance of accused on **22.08.2025**.

(Aastha Sharma)
Judicial Magistrate-Ist Class
(NI Act)-09/South-West,
Dwarka/28.03.2025