

SBI cards and Payment Services Ltd Vs. Masum Rashid Laskar.
CC no: 4121/2026

12.06.2026

Fresh complaint U/s 25 of the Payment & Settlement Systems Act, 2007 r/w section 142 NI Act received by way of assignment.
Present: Sh Mohit Rajput, Ld. Counsel for complainant

Today, the matter was fixed for consideration.

Ld. Counsel for the complainant has advanced his submissions and has presented the case.

It is pertinent to mention that as per the judgment of Hon'ble Supreme Court in the case of Sanjabig Tari Vs. Kishore S. Borcar & Anr. Criminal Appeal No. 1755/2020, it was held that there is no need to issue the notice to the accused at the per-cognizance.

Arguments on summoning heard.

I have gone through the entire record including the complaint and the documents. It is alleged that accused has executed the ECS in question in favour of the complainant to discharge the liability and the said ECS was dishonored on the due date. Therefore, demand notice was sent to the accused by the complainant. Despite service/ deemed service of said notice, accused has failed to make the payment as per provisions of Negotiable Instruments Act.

Complaint is filed within the prescribed period of limitation. In my considered opinion, prima facie there is sufficient material available on record to summon the accused.

The Ld. counsel for the complainant requests that the pre-summoning may be carried out in absence of AR of the complainant in terms of the dictum of A. C . Narayanan judgment. He further submits that dictum of A.C. Narayanan is

also applicable to complaints u/s 25 Payment and Settlement System Act, 2007(hereinafter referred as “25 PASA”)

In matter of “A. C. Narayanan Vs. State of Maharashtra & Anr.” (2014) 11 SCC 790, Full Bench of Hon'ble Supreme Court of India 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 under Section 25 PASA. 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 the complainant in support of the complaint under Section 25 PASA”

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 for offence punishable under Section 25 PASA.

Hence, accused be summoned for offence u/s 25 PASA on filing of PF/RC. 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. PF be filed within fifteen working days.

As per the guidelines laid down as in the case titled as “Damodar S. Prabhu Vs. Sayed Babalal H”, AIR2010(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.”

Let matter be referred to Special NI lok adalat ie.

18.07.2026

Put up for appearance of accused on 14.12.2026

(Gaurav Katariya)
JMFC-7(NW)/RC/Delhi
12.06.2026