

85 CC NI ACT / 87948/2025 HERO FINCORP LTD Vs. AMAR
LAKKAPPA KUDACHI / ()
01.12.2025

(Also through VC Proceedings via CISCO Webex)

Fresh case received. It be checked and registered.

Present: Sh. Amit Kumar, Ld. Counsel for the complainant.

Matter is fixed for consideration.

1. Arguments on behalf of the complainant heard on point of cognizance as well as summoning.
2. Present complaint is filed alleging that accused had issued the **ECS Mandate** in favor of the complainant to discharge his/ her legal liability which got dishonored. Thereafter, complainant sent a legal demand notice and despite service of the same, accused failed to make the payment and thereby complainant prays to take cognizance for the offence punishable U/S 25 of Payments and Settlement System Act, 2007. Further, the complainant undertakes that the present complaint has been filed within limitation and within the jurisdiction of this court.
3. After considering the present complaint, attached documents and the evidence of complainant by way of affidavit which is considered qua the requirement of section 202 of Cr.PC, I am of the view that Prima facie case is made out for the offence U/S 25 of Payments and Settlement System Act, 2007. Further, it is not incumbent upon this court to examine the complainant/AR of complainant on oath u/s 200Cr.P.C. before issuing process in view of the judgment of Hon'ble Supreme Court in ***A.C. Narayanan Vs. State of Maharashtra and Anr., (2014)11SCC790***. Therefore, I take the cognizance in the present case for the offence punishable U/S 25 of Payments and Settlement System Act, 2007. This court is of further opinion that *prima facie* there is sufficient material to proceed against the accused.
4. Accordingly, issue summons to the accused **AMAR LAKKAPPA KUDACHI (who has issued the ECS Mandate)** through SHO concerned on the address provided through all possible modes on filing of PF. PF be filed within 30 working days.

5. Let **dasti summons** be given to the complainant for self delivery through speed post/whatsapp and e-mail. Ld. counsel for complainant is directed to file original postal receipt/tracking report/screen shot of delivery through whatsapp/email along with an affidavit as proof of service.
6. Complainant is also given an opportunity to file fresh address of accused alongwith affidavit of physical verification alongwith Google location of verification and photographs of the house.
7. Further, Ahlmaid of the court is directed to make a mention on the summons issued against the accused that “accused can make an application for compounding of offence at the first and second hearing of the case”, in terms of the judgment of Hon’ble Apex Court in ***Damodar S Prabhu Vs. Sayed Babalal H, AIR 2010 (SC) 1907.***
8. Matter be put up for appearance of accused/grant of bail/furnishing of Bail Bond/framing of notice on **06.03.2026.**

(Ashima Lakhanpall)
JMFC, NI Act-08
Dwarka Courts, South-West District,
New Delhi/01.12.2025