

CC NI ACT 2724/2026

ANNU GUPTA Vs. VIMAL KUMAR JAIN

29.04.2026

Fresh complaint U/s. 223 of BNSS alleging an offence U/s. 138 of NI Act has been received by way of assignement. It be checked and registered as per rules.

Present: Sh. D R Jain, Ld. counsel for complainant.

This complaint has filed for offence punishable under Section 138 Negotiable Instruments Act. Complaint, affidavit of evidence and other annexed documents perused wherein two cheques bearing number 000255 dated 15.01.2026 drawn on Bank of Baroda and cheque bearing number 000256 dated 26.01.2026 drawn on Bank of Baroda were dishonoured for reason Funds insufficient vide return memos dated 19.02.2026. Thereafter, legal demand notice dated 11.03.2026 was issued to the proposed accused.

Prima facie, there are sufficient grounds for taking cognizance of the offence under section 138 NI Act. I take cognizance of the said offence under Section 138 of Negotiable Instruments Act.

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 138 of the NI Act. 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 138 of the NI Act...”.

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 offense punishable under Section 138 Negotiable Instruments Act.

Hence, **summons be issued against the accused Vimal Kumar Jain being proprietor of proprietorship firm namely Kids Darling on P.F./R.C./Approved Courier for 07.10.2026.**

The complainant is also at liberty to serve the accused through E-mail/whatsapp/text message provided the complainant files an affidavit to the effect that the email and number on which the said message(s) are sent is/are of the accused person(s) and further subject to filing of report of service. For facilitation of the same, dasti summons are permitted.

The process server is directed to serve the summons by way of affixation, if premises found closed or same could not be served personally or on any adult male member. An endorsement be also made that if application for compounding at first or second hearing is made the court may pass appropriate orders at the earliest as per judgment of **Damodar S. Prabhu; (2010) 5 SCC 663**. Complainant is directed to file PF and take steps within 15 days including providing copy(ies) of complaint otherwise the complaint may **be dismissed** as per law.

(Kawal Singh)
Reliever JMFC
NW/Rohini, Delhi/29.04.2026