

26 CC NI ACT 2211/2023
BANK OF MAHARASHTRA Vs. KUNDAN KUMAR
13.08.2026

Present: Ms. Archana Kasana, Ld. proxy Counsel for the complainant(through VC).

Fresh evidence affidavit has been placed on record.

The Hon'ble Supreme Court of India in **Criminal Appeal no. 1755/2010 titled as Sanjabij Tari Vs. Kishore S. Borcar & Anr dated 25.09.2025** has held that pre-cognizance notice is not required to be issued in a case filed u/s 138 of Negotiable Instruments Act and accused is not required to be heard at the pre-summoning stage.

I have perused the complaint and the accompanying documents. Prima facie offence u/s 138 NI Act appears to have been committed. **I hereby take cognizance of the same.**

I have perused the complaint u/s. 138 NI Act, evidence by the way of affidavit of the complainant and the documents relied upon by the complainant. As per the judgment of Hon'ble Supreme Court in **A.C. Narayanan vs. State of Maharashtra and Anr., (2014) 11 SCC 790** the examination of the complainant upon oath for issuance of process is a matter of discretion of the Magistrate. In the considered opinion of this Court, there is no need to examine the complaint for the purpose of issuance of process. No other witness is sought to be examined on behalf of the complainant at this stage. **Accordingly, PSE stands closed.** For the purposes of identification, the evidence affidavit is now marked as Ex-CW1/A.

The complaint has been filed within the period of limitation and is within the jurisdiction of this court.

Relevant inquiry u/s.223 BNSS conducted. On the basis of the averments contained in the complaint, the evidence by way of affidavit and the inquiry conducted by this court, **there are sufficient grounds for proceeding against the accused in the present matter.**

Let summons be issued to the accused through all permissible modes on filing of PF within 20 days from today, returnable on NDOH. In case the house of the

accused is found to be locked, process server is directed to affix the summons on conspicuous place.

Summons be also sent through speed post and internet generated tracking report of summons sent through speed post be placed on record by NDOH.

Put up for appearance of the accused, furnishing of bail bonds and framing of notice on 18.11.2026.

(Anurag Chhabra)
JMFC(NI Act)-06, SE, Saket, Delhi
13.08.2026