

HDFC Bank Limited Vs Sunil Kumar

Present: Sh. Sachin Jangra, Advocate for the complainant.

Summoning Order:

Arguments on the point of summoning of accused advanced. Heard.

2. While hearing the submissions of learned counsel for the complainant, it came to the notice of this Court that accused is not residing within the jurisdiction of this Court and accordingly, the procedure as provided under Section 225 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is required to be followed. Since, the complaint is totally based on documentary evidence, no benefit would be achieved by sending the matter to Police for investigation, particularly when the matter can be inquired by this Court itself. In order to ascertain sufficient grounds to proceed against accused the Court has gone through the documents available on record and the affidavits of witnesses taken. As such, there are sufficient grounds to proceed against the accused.

3. The complainant has alleged that the accused in discharge of his legal liability issued the cheque in question to him which was as dishonoured when presented in the bank due to **"F001-Account Freezed/Blocked"** within the time frame stipulated in the Negotiable Instrument Act, the complainant appeared before the Court and filed this complaint. As per statement of CW Mohinder Sharma, Authorised Person, the cheque in question was dishonoured on the ground that **F001-Account Freezed/Blocked**. As per statement of CW2 Sh. Ramesh Chand, CAOB posted at PNB Bank, Gorakhpur on the date of dishonoured cheque there was no sufficient fund to honour the cheque in question in the account of accused.

4. From the affidavit on oath filed by complainant the documents Ex. C1 to C8 attached with the affidavit and statement of witnesses it appears that there is sufficient ground to proceed against the accused for commission of offence punishable under Section 138/141 of Negotiable Instruments Act. Accordingly, accused is hereby ordered to be summoned to face trial for commission of offence punishable under Section 138/141 of Negotiable Instruments Act for **28.10.2026** through ordinarily manner as well as registered post on filing of PF/RC, Speed Post/approved Courier Service. Dasti summons be issued, if so desired and complainant is at liberty to accompany with the process server for service of summons. The copy of complaint, relevant documents along with list of witnesses be sent along with the summons. If the service could not be effected by any of the above means then affixation should be done as per Section 67 BNSS and let the statement of process-server be recorded. Dasti summons be given, if desired.

Date of Order: 11.08.2026
Amita SG-III

(Deepak)
Judicial Magistrate - Ist Class, Hisar
UID No . HR00776