

COMA-32082-2026

M/s Hero Fincorp Ltd. Vs Arif Shaikh

Present: Sh. Ashwani Sharma, Advocate counsel for the complainant.

Order:-

Case was fixed for consideration on point of summoning.

I have heard learned counsel for the complainant and carefully perused the complaint, preliminary evidence and documents placed on record with his able assistance.

Perusal of the record reveals that the accused is residing beyond the territorial jurisdiction of this Court. Consequently, in view of Section 225 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 202 Cr.P.C.), this Court is duty bound to conduct an enquiry prior to issuance of process. Section 225 BNSS mandates that where the accused resides beyond the jurisdiction of the Magistrate, issuance of process shall be postponed and the Magistrate shall either enquire into the case himself or direct investigation for the purpose of determining whether sufficient grounds exist for proceeding. However, in complaints under Section 138 of the Negotiable Instruments Act, read with Section 25(1) of the Payment and Settlement Systems Act, 2007, the scope of enquiry under Section 225 BNSS remains limited. The Court is required to confine itself to the preliminary evidence adduced by the complainant and the documents annexed with the complaint. Accordingly, as mandated under Section 225 BNSS, this Court has conducted enquiry itself and has carefully scrutinized the complaint, affidavit of CW-1 and accompanying documents. A prima facie perusal of the record shows that the complaint has been instituted within the prescribed period of limitation and that the essential ingredients of the alleged offences are made out.

At this stage, detailed reasons are not required to be recorded, in view of the law laid down by the Hon'ble Supreme Court in U.P. Pollution Control Board vs. Mohan Meakins Ltd., 2000 (2) RCR (Criminal) 421, as reiterated in Deputy Chief Controller of Imports & Exports vs. Roshan Lal Agarwal, 2003 (2) RCR (Criminal). Therefore, this Court is satisfied that sufficient grounds exist for proceeding against the accused.

Accordingly, the accused is ordered to be summoned to face trial for offence punishable under Section 25(1) of the Payment and Settlement Systems Act, 2007 read with Section 138 of the Negotiable Instruments Act, on filing of process fee and copy of complaint, for **12.10.2026**.

Summons be issued through RC/AD. Dasti summons be also supplied, if applied for.

Date of order: 07.08.2026
Komalpreet Kaur * Steno III

Icy Jaswal
Judicial Magistrate First Class,
Ludhiana/UID no.PB0740