

30.01.2026

Fresh complaint u/s 138 NI Act received by way of assignment. Let it be checked and registered.

Present: Complainant with counsel Sh. Sunil Kumar.

The Hon'ble Supreme Court of India in judgment dated 25.09.2025 in Criminal Appeal No. 1755/2010 titled "Sanjabij Tari Vs. Kishore S.Borcar and Anr" has directed that *"there shall be no requirement to issue summons to the accused in terms of Section 223 of BNSS i.e., at the pre-cognizance stage."* Accordingly, pre-cognizance arguments stands dispensed with.

On the basis of the complaint and the original documents annexed with the complaint, the court is satisfied that the complaint is filed within limitation period and falls in the territorial jurisdiction of this court. Accordingly, cognizance of the offence is taken.

Complaint, affidavit of evidence and documents considered. In light of judgment titled as "A. C. Narayanan Vs. State of Maharashtra & Anr." (2014) 11 SCC 790, wherein Hon'ble Supreme Court of India 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", this court is of the opinion that there is no need to examine the complainant for purpose of issuance of process. There are sufficient grounds for proceeding further against accused for offence punishable under Section 138 N. I. Act.

Issue summons against the accused subject to filing of PF for NDOH.

Put up for further proceedings on 17.07.2026.

(AKHIL MALIK)
JMFC-02/SHD/KKD COURTS
DELHI/30.01.2026