

**8 CC NI ACT / 8416/2026 Godrej Finance Limited Vs. AR
COMMUNICATIONS /0 ()**

24.04.2026

Present: Sh. Anurag Arora, Ld. counsel for the complainant via
VC.

Complaint and other documents annexed with it perused.
The complaint is within limitation and within the jurisdiction of this
court. **I take cognizance of offence punishable U/s 138 N I Act qua
accused No.1 firm and its partners accused No.2 & 3.**

Evidence affidavit (pre summoning) of AR for the
complainant/CW-1 has already been filed which has been sworn
before the Oath Commissioner. Pre-summoning evidence is closed on
oral request of the counsel of the complainant.

I have perused the complaint, evidence affidavit and the
documents on record. The Hon'ble Apex Court in ***A.C. Narayanan
Versus State of Maharashtra & Anr. Criminal Appeal No. 73 of
2007***, has held that in the light of section 145 of N.I Act, '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 N.I. Act and the Magistrate is neither mandatorily obliged
to call upon the complainant to remain present before the Court, nor to
examine the complainant or his witness upon oath for taking the
decision whether or not to issue process on the complaint under
Section 138 of the N.I. Act'.

Arguments on summoning heard.

There are sufficient grounds for proceeding against the
accused, the cheque in question is drawn from the account of accused
No.1 AR Communications, of which both accused No.2 & 3 are the
partners as reflected from the loan application form, therefore, **let the
accused No.1 to 3 be summoned** on filing of PF through RC/Speed
Post as well as E-mail after compliance of legal formalities by

complainant. The complainant is directed to file an affidavit stating that E-mail address of the party is correct to the best of his/her knowledge along with certificate under Section 63 of the Bhartiya Sakshya Adhiniyam, 2023. Steps be taken within 15 days from today. As per the guidelines laid down as in the case titled as “**Damodar S. Prabhu Vs. Sayed Babalal H**”, AIR2010(SC) 1907, Ahlmad is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) that “accused can make an application for compounding of the offence at the first and second hearing of the case and if such an application is made, compounding may be allowed by the Court without imposing any costs on the accused.”

Re-list for appearance of accused persons/further proceedings/framing of notice on 22.07.2026.

(AKSHAY SHARMA)
JMFC-08(NI ACT) SOUTH SAKET
COURTS NEW DELHI/24.04.2026