

CC NI ACT319/2021
AXIS BANK LTD.
Vs.
DINESH CHANDOLA

01.09.2021

(Court proceedings through Video Conferencing using CISCO Webex)

Present: Mr Alok Shankar, Ld. Counsel for complainant

Today, Ld. Counsel for complainant has filed the hard copy of the return memo.

This is a complaint filed for an offence punishable u/s 138 N.I. Act. Complaint affidavit of evidence and other annexed documents perused. I take cognizance of said offence. Reader/Ahlmad informs that the original complaint alongwith the annexed documents have been received by her. She is directed to keep the file in safe custody.

Arguments on summoning heard. Record perused.

On consideration of the complaint, annexed documents and the verification affidavit of the complainant in the light of law laid down in A.C. Narayanan vs. State of Maharashtra (2014) 11 SCC 790 this Court is of the opinion that prima facie there are sufficient grounds for proceeding against the accused person for the commission of offence under Section 138, Negotiable Instruments Act, 1881. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with.

Accordingly, let accused be summoned on filing of PF, RC/ Speed Post/ approved Courier service/ for **01.12.2021**. Service of E-summons be also effected through SMS/Whatsapp/Other instant messaging service. The process server is directed to serve the summons by way of affixation, if premises are found closed or same could not be served personally or on any adult male member.

Ld. Counsel is further directed to file duly filled mandatory NI Act Complaint Meta Data Form before filing first PF.

As per the guidelines laid down in Damodar S. Prabhu Vs. Sayed Babalal H, AIR 2010 (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."

Complainant is directed to file PF and take steps within 10 days including providing copy(ies) of the complaint otherwise the complaint may be dismissed U/s 204(4) Cr. P.C.

Accused is directed to appear before this court through video conferencing on Cisco Webex through the permanent Cisco Webex VC Room ID <https://districtcourtdwarka.webex.com/meet/MMNIActDigitalCourt06>.

Put up for appearance of the accused/furnishing of bail/ consideration of notice on **01.12.2021**.

(Sahil Gupta)
M.M. NI Act Digital Court-01
Dwarka Court, New Delhi
01.09.2021