

31 Cc Ni Act / **9675**/2026 Axis Finance Ltd Vs. Nayab Sadikvali / ()
32 Cc Ni Act / **9676**/2026 Axis Finance Ltd Vs. Veeramani S / ()
33 Cc Ni Act / **9677**/2026 Axis Finance Ltd Vs. Mueenudheen Sha P T / ()
28.07.2026

***Fresh complaint received by way of assignment through CIS.
It be checked and registered.***

Present: Mr.Amit Kumar Singh, Ld. Counsel for the complainant through VC.

NACH mandate is filed. The same is taken on record.

This complaint is filed for offence punishable under Section 25 of The Payments & Settlement Systems Act, 2007 read with Section 138 Negotiable Instruments Act. Complaint, affidavit of evidence and other annexed documents perused wherein vide return memo, electronic funds transfer was dishonoured. Thereafter, legal demand notice was issued to the proposed accused.

In matter of ***"A. C. Narayanan Vs. State of Maharashtra & Anr."*** (2014) 11 SCC 790, **Full Bench of Hon'ble Supreme Court of India** has 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. For the purpose of issuing process under Section 200 of the Code, 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 NI Act..."*

Complaint, affidavit of evidence and documents considered in light of above cited judgment. In opinion of this Court, there is no need to examine the complainant's evidence for purpose of issuance of process. In view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused person(s) for offense punishable under Section 25 of The Payments & Settlement Systems Act, 2007 read with Section 138 Negotiable Instruments Act.

Prima facie, there are sufficient grounds for taking cognizance of the offence under section 25 of PASSA Act. I take cognizance of said offence.

Hence, **summons be issued against the accused person(s) on P.F./R.C./Approved Courier for 04.12.2026.**

The complainant can provide email address of accused person(s), if any for service. The service of summons through whatsapp message(s) is also permitted provided the complainant files an affidavit to the effect that number on which the said message(s) are sent is/are of the accused person(s) and further subject to filing of report of service. To facilitate the service of summons through email or whatsapp, dasti summons be given to the complainant.

The process server is directed to serve the summons by way of affixation, if premises found closed or same could not be served personally or on any adult male member. An endorsement be also made that if application for compounding at first or second hearing is made the court may pass appropriate orders at the earlier as per judgment of ***Damodar S. Prabhu; (2010) 5 SCC 663.*** Complainant is directed to file PF and take steps within 15 days including providing copy(ies) of complaint otherwise the complaint may **be dismissed** under Section 204(4) Cr. P.C.

(ANKITA BHATIA)
JMFC (NI Act) - 03
South/Saket/28.07.2026