

45 CC NI ACT / 621/2025

M/S. TEZZKART SERVICES PVT. LTD. Vs. Rajat Bhandari

01.04.2025

Proceedings are being conducted through hybrid manner.

Present : Sh. Mohit Yadav, Ld. Counsel for complainant. (Through VC)
Proposed accused absent.

Despite repeated calls, proposed accused is absent.

At this stage, Ld. Counsel for complainant seeks a passover till
11:30 am stating that he shall arrive physically before this Court.

Heard. Allowed.

Let the file be taken up again at 11:30 am.

(Vinod Kumar)
JMFC (NI Act)-04/Saket Courts,
South/New Delhi/01.04.2025

At 11:30 am

Present : Sh. Mohit Yadav, Ld. Counsel for complainant.
Proposed accused absent.

Tracking report has been filed by the Counsel for complainant
whereby it reflects that notice have been delivered to proposed accused.

Despite repeated calls, none has appeared on behalf of
proposed accused.

Heard and perused.

On the basis of the material available on record, since there
exists a prima facie case against the accused for the offence Section U/s
138 of the Negotiable Instruments Act, 1881, hence cognizance is taken.

In light of the decision of full bench of Hon'ble Supreme Court
of India cited as "*A. C. Narayan v. State of Maharashtra & Anr.*" (2014) 11
SCC 790, this Court is of the considered opinion that there is no need to

examine the complainant at this pre-summoning stage for the purpose of issuance of process against the accused persons.

At this stage, arguments on point of summoning heard. I have perused the complaint, evidence affidavit and the documents on record.

Prima facie, it appears that the cheque in question was issued by the accused person (s) in favour of the complainant in discharge of legal liability. The cheque in question was dishonoured on presentation. Legal notice was served upon the accused person (s) electronically through email. Despite the service of the notice, accused person (s) have failed to make payment within the stipulated time. There are sufficient grounds for proceeding against the accused person (s).

Accordingly, let summons be issued to accused person (s) through all modes on filing of PF within 15 days, returnable for NDOH.

The complainant is directed to place on record the tracking report of Speed Post/Registered AD on the next date of hearing positively.

Put up for appearance of **accused person (s)** and bail proceedings/consideration on framing of notice on **27.06.2025**.

(Vinod Kumar)
JMFC (NI Act)-04/Saket Courts,
South/New Delhi/01.04.2025