

**C.R. Case no. 40 of 2015**

**Reg. No. 78 of 2017**

Order No. 52

Dated 20.03.2023

Today is fixed for filing of original documents and S.A. as last chance.

The complainant Shyam Lal Pradhan is present with his Learned lawyer by filing *hazira*.

The Learned lawyer for the complainant submits that he has traced all the original documents which were previously misplaced. He further submits that in this case cognizance was already taken on 28.09.2015 and process was issued to the accused on the same day, but the matter was again fixed for examination of the complainant on oath on 16.03.2020.

Heard the Learned lawyer and perused the case record.

Considered.

It appears that in this case this Court has taken cognizance of the offence on 28.09.2015 and issued process against the accused Vikash Agarwal on the very same day and that is, obviously, after examining the affidavit of the complainant, the complaint and the documents and as there was a *prima facie*, case against the accused u/s 138 of the N.I. Act. So, the order dated 16.03.2020, recalling such earlier order dated 28.09.2015, is without any force and this Court considers it to be "through inadvertence".

Accordingly, issue fresh summons to the accused.

To **26.04.2023** for S.R. and appearance of the accused Vikash Agarwal.

Requisites at once.

BCII to comply.

**D/C**