

63CC NI ACT/1896/2025 Axis Finance Limited Vs. RITESH
PAKHANDE

09.04.2025

Present: Adv. Akshita Khasia for the complainant.

None for the proposed accused.

Tracking report of notice filed on behalf of the complainant which shows 'unclaimed'.

Complaint and other documents annexed with it perused. Heard. All the statutory requirements under PASA ACT are complied with. The present complaint case is filed within period of limitation.

On examination of documents filed alongwith the present complaint, the Court is satisfied that *prima-facie* offence punishable under Section 25 of PASA ACT is made out against the accused. Hence, I take cognizance of the offence punishable under Section 25 of PASA ACT .

Arguments heard on point of summoning.

Pre-summoning Evidence by way of affidavit filed by the complainant. Taken on record. Documents have been filed on record and perused. In view of the judgment of Hon'ble Supreme Court in *A.C. Narayanan vs. State of Maharashtra and Anr., (2014) 11 SCC 790* the examination of the complainant upon oath for issuance of process is a matter of discretion of the Magistrate. In the considered opinion of this Court, there is no need to examine the complaint for the purpose of issuance of process. No other witness is sought to be examined on behalf of the complainant at this stage. Accordingly, PSE stands closed.

Perusal of the record reveals that e-mandate as

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mentioned in the evidence affidavit is not filed. However, in light of the evidence affidavit and Section 25(4) of PASA Act, it is presumed that if there is a dishonor then e-Mandate must have been taken.

Issue summons to the **accused Ritesh Pakhande** on filing of PF, RC and through all possible physical modes. Steps be taken within two weeks. Complainant is directed to supply the complete set of documents filed in the court including the pre-summoning evidence affidavit of complainant. Ahlmad is directed to issue the summons only after ensuring that the same has been done.

Ahlmad is directed to make the following endorsement on the summons in terms of the guidelines of Hon'ble Supreme Court passed in the case of **Damodar S. Prabhu v. Sayed Babalal H. (2010 5 SCC 663)**:

(a) Accused can make an application for compounding of the offence at the first or 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.

(b) If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the court at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the e-mandate amount to be deposited as a condition for compounding.

Re-list for appearance of the accused/framing of notice/ bail and further proceedings on **10.07.2025**.

(KOMAL)
JMFC(NI Act)-08,South
Saket/NewDelhi/09.04.2025