

Sanjeev Kumar Vs. Pratap Singh

(Court proceedings are conducted through video conferencing using CISCO Webex application).
Present: Sh. Jittin Dua, Ld. counsel for complainant through VC.

Court notice issued to proposed accused on NDOH not received back.

Ld. Counsel for complainant has already efiled tracking report and affidavit of service w.r.t service of court notice to proposed accused on LDOH.

Perusal of tracking report reveals that court notice has been served to proposed accused. Despite service, proposed accused has not appeared before the court.

Since the notice has been served and proposed accused has chosen to not appear, the condition stipulated u/s 223 BNSS in respect of giving an opportunity to the proposed accused to be heard before taking cognizance stands satisfied.

Heard. Entire record including the complaint and the annexed documents perused thoroughly. It is alleged that accused has issued the cheque in question bearing no. 594449, 594450 both dated 01.03.2025 for Rs. 50,000/-, Rs. 25,000/- to the complainant in discharge of liability. On presentation, the same got dishonoured vide return memos dated 07.03.2025 for the reason "funds insufficient". Thereafter, demand notice dated 20.03.2025 was sent to the accused by the complainant. Despite service/ deemed service of said notice, accused has failed to make the payment within 15 days as per provisions of the Negotiable Instruments Act, 1881.

On consideration of the complaint, annexed documents and the verification affidavit of the complainant, this Court is of the opinion that prima facie there are sufficient grounds for proceeding against the accused mentioned below for the commission of offence under Section 138, Negotiable Instruments Act, 1881. There is no requirement for examination of the complainant or witnesses for purpose of issuance of process in view of the above-mentioned directions of the Hon'ble Apex Court and Hon'ble Delhi High Court. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act.

Let accused Pratap Singh be summoned on filing of PF, RC/ Speed Post/ approved Courier service/E-mail within 30 days for NDOH.

Complainant is directed to place the tracking report of summons sent through speed post on record on the next date. In the event the house/office/premises is found to be locked/refusal to accept the service/any other contingency the process be served through affixation in terms of Section 65, CrPC.

As per the guidelines laid down as in the case titled as 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."

List for appearance on 22.12.2025.

(DESHNA GOLECHHA)
JMFC(NI ACT)/
DIGITAL COURT-03/W/
02.09.2025