

43 CC NI ACT / 179/2026 SHRI RAM FINANCE LTD Vs. VIKRAM
KUMAR /0 (Adarsh Nagar)

22.08.2026

Present: Ld counsel for complainant.

1. In the matter of “*A C Narayanan Vs. State of Maharashtra & Anr.*” (2014) 11 Supreme Court Cases 790, **Full Bench of The Hon'ble Supreme Court**, has held that it is within the discretion of this court whether physical examination of the complainant is required before taking cognizance of offence u/s 138 of N I Act. If, on the basis of documents and evidence by way of affidavit, prima facie offence u/s 138 of N I Act is made out, there is no bar to issuance of process on the basis of complaint, documents annexed therewith and evidence by way of affidavit.
2. Complaint, affidavit of evidence and documents considered in light of above cited judgment. In opinion of this Court, in the present case, there is no need to examine the complainant 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 also as per judgments of *The Hon'ble Supreme Court* cited as *(2015) 1 Supreme Court Cases 103* and *(2016) SCC Online SC 304* as conditions for same are fulfilled.
3. This court takes cognizance of the offence u/s 138 N I Act.
4. Hence, **accused** be **summoned** for offence u/s 138 of Negotiable Instruments Act on filing of PF/RC. 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. Service be done through all modes including whatsapp and e-mail to the accused on filing of PF within 15 days and upon filing of an affidavit stating the e mail address and contact number of the accused and that the same are functional for the last 30 days.
5. In case the summons are sent via speed post/ registered AD, track report be filed on the next date of hearing along with the certificate u/s 65-B of Indian Evidence Act, 1872.
6. Matter be taken up now on **28.01.2027**.
7. As per the guidelines laid down as in the case titled as “**Damodar S. Prabhu Vs. Sayed Babalal H**”, AIR2010(SC) 1907, Ahlmad is directed to make a mention on the summons issued against the accused that “accused can make an application for compounding of the offence upon entering into appearance.”

(Garima Jindal)
Judicial Magistrate First Class-06,
North District
Rohini Courts, Delhi/
22.08.2026