

31.05.2022

All proceedings of this court shall be conducted via video conferencing.

Present: Ms. Ambika Mehra, Ld. Counsel for complainant.

Ld. counsel for complainant submits that, inadvertently, the tracking report of legal demand notice was not placed on digital file at the time of filing of the present complaint and she further submits that she has now sent the same on the official E-mail ID of this court.

Heard, perused and considered.

Since, cognizance is yet to be taken in the present complaint, no prejudice shall be caused if tracking report of legal demand notice is taken on record at this stage. In view of the same, tracking report be taken on record.

Ld. Counsel for complainant further submits that she has submitted the original complaint and documents. Reader-cum-Ahlmad has confirmed the same and has also verified them with digital file.

Complaint as well as documents perused and considered.

The present complaint has been made alleging an offence under Section 25 Payments and Settlements Act, 2007. In view of the averments made in the complaint, it appears that complaint is within limitation and further this Court has territorial jurisdiction to entertain the present complaint.

Prima facie, statutory ingredients for offence of dishonour of electronic funds transfer stands satisfied and there is sufficient material on record to proceed further in the matter. **This court, hereby, takes cognizance of offence under Section 25 Payments and Settlements Act, 2007.**

Complaint, affidavit of evidence and documents considered in light of judgment of the Hon'ble Supreme Court in case of **A.C. Narayanan v. State of Maharashtra & Anr. (2014) 11 SCC 790.** Following the law so laid down, in view of

complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused person(s) for offence punishable under Section 25 Payments and Settlements Act, 2007. Further, on basis of affidavit of evidence and documents, there are sufficient grounds for proceeding against accused in terms of Section 202 of Code of Criminal Procedure.

Accordingly, let summons be issued to the accused **MUSTAQ AHMAD** at the given address(es) on filing of PF through approved registered courier, speed post and courier returnable for **11.11.2022**. In addition, E-summons via WhatsApp, SMS and E-mail be issued. Ld. Counsel for complainant is directed to file duly filed META data form alongwith the process fee within 20 days from today and is further directed to place on record tracking report in case summons are sent via speed post before NDOH.

Nazarat Branch is directed to file report regarding service of summons before NDOH.

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

Accused is directed to appear before this court through video-conferencing on the Cisco Webex application through the permanent Cisco Webex VC Room ID available on the official website of Dwarka District Courts.

Put up for appearance of accused, framing of notice and further proceedings on **11.11.2022 at 10.00 A.M.**

(EBBANI AGGARWAL)
M.M.(N.I. ACT) DIGITAL COURT-09
SOUTH-WEST/DWARKA/NEW DELHI
31.05.2022