

31.01.2026

Proceedings conducted online through Cisco Webex Software.

Present:- Ld. Counsel for complainant.

Matter is fixed for consideration.

In light of judgment dated 25.09.2025 in “**Sanjabij Tari Vs. Kishore S Borcar and Anr**” (2025) INSC 1158, The Hon’ble Supreme Court has dispensed with the notice to proposed accused u/s 223 of BNSS.

Present complaint has been filed for offence u/s 138 of NI Act, the complaint is filed within limitation and within the territorial jurisdiction of this court. On the basis of averments made in the complaint an offence u/s 138 NI Act appears to be committed. Hence, I take cognizance of the offence.

Inquiry under Section 225 of BNSS is conducted through the question-answers verbally and through the scrutiny of documents.

Pre-summoning Evidence by way of affidavit filed by the complainant. Taken on record. Original documents have been filed on record which are **Ex.CW1/1 to Ex.CW1/8** along with complaint. Documents have been exhibited. Pre-summoning evidence closed on behalf of complainant.

Arguments heard on point of summoning. File perused. Heard. All the statutory requirements under NI Act are complied with. The present complaint case is filed within period of limitation.

On examination of documents filed alongwith the present complaint (as per Section 225 of BNSS), the Court is satisfied that prima-facie offence punishable under Section 138 of Negotiable Instrument Act, 1881 (hereby referred to as NI Act) is made out against the accused.

Issue summons to the accused **Amit Kumar** on filing of PF, RC within 10 days and through all permissible modes within including electronic modes and dasti. Complainant is also directed to file requisite particulars including email address, mobile number, WhatsApp number and other details of accused duly supported by an affidavit verifying that said

particulars pertain to the accused. Steps be taken within ten days. 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 may be allowed as per judgment dated 25.09.2025 in **"Sanjabij Tari Vs. Kishore S Borcar and Anr" (2025) INSC 1158**.

If the accused could not be served in view of the provision contained in Section 64, 65 and 66 of BNSS, process server is directed to follow the provision mentioned in Section 67 of BNSS and file his report accordingly.

Put up for appearance of the accused/framing of notice/ bail and further proceedings on **04.04.2026**.

(POOJA KUMARI)
JMFC NI ACT-10 (South)
Saket Courts, New Delhi/31.01.2026