

28.04.2026

Fresh complaint case received by way of assignment. It be checked and registered.

Present : Ms. Manish Mathur, Ld. Counsel for the complainant.

1. Present complaint has been filed for offence under Section 25 of Payment and Settlement Systems Act, 2007 r/w Section 138 of NI Act.
2. Arguments on summoning of accused heard.
3. I have perused the complaint under Section 25 of Payment and Settlement Systems Act, 2007 r/w Section 138 of NI Act, evidence by way of affidavit and the documents relied upon by the complainant.
4. Briefly put, the case of the complainant is as follows:-
 - a) The accused availed a credit card facility from the complainant bank. The accused had agreed to pay the amount liable under the credit card facility through direct debit facility in the manner of an electronic funds transfer mandate.
 - b) As per the electronic funds transfer mandate and direct debit facility availed by the accused, the complainant executed the said facility towards the amount due on the credit card of the accused through an electronic fund transfer. The said electronic funds transfer/ auto debit instructions for the amount due as mentioned in the e-mandate details filed by the complainant and the same was as unpaid for the reason “insufficient funds”.

c) Thereafter, the complainant served a legal demand notice within the stipulated period.

d) Aggrieved thereby by the non-payment of proposed accused, the complainant filed the present complaint case within limitation, under Section 25 of Payment and Settlement Systems Act, 2007 r/w Section 138 of NI Act.

5. On consideration of complaint, evidence by way of affidavit and documents placed on record, this court is of the opinion that prima facie there are sufficient grounds for proceeding against accused person mentioned below for the commission of offence under Section 25 of Payment and Settlement Systems Act, 2007. The complaint has also been filed within the period of limitation as prescribed. Therefore, I hereby take cognizance of the same.

6. In terms of inquiry conducted under Section 202 Cr.P.C, all the statutory requirements have been complied with. The present complaint is within the territorial jurisdiction of this court.

7. In view of the judgement of Hon'ble Supreme Court of India in case titled as A.C Narayanan v. State of Maharashtra and Anr. [(2014) 11 SCC 790], the examination of the complainant upon oath under Section 200 Cr.P.C 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 complainant for the purpose of issuance of process as the evidence of affidavit is already on record and has been perused by this court. Further, the complainant does not seek to any other witness at this stage.

8. Accordingly, the pre-summoning examination under Section 200 Cr.P.C stands closed. For the purpose of identification, the evidence affidavit is now marked as Ex.CW1/A.

9. In view of the complaint, the originals produced and the affidavit of evidence, there are sufficient grounds for proceeding further against accused person namely **KAPIL PORWAL** under Section 25 of Payment and Settlement Systems Act, 2007. Therefore, I hereby summon the said accused person.

10. Ahlmad is hereby directed to:

a. Issue summons against the aforementioned accused persons on filing of P.F./R.C./Speed post/Approved Courier.

b. Mention on the summons (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” as per the guidelines laid down in Damodar S. Prabhu Vs. Sayed Babalal H, AIR 2010 (SC) 1907.

c. Mention the official email address and the video conferencing link of this Court on the summons.

11. Complainant is hereby directed to:

a. File the process fee within 10 working days and supply necessary copies to the Ahlmad.

b. File an affidavit of service on the NDOH, along with relevant proofs (such as speed post receipt, tracking report, and screenshot of service through email/whatsapp, if applicable) along

with a certificate under Section 63(4), Bharatiya Sakshya Adhiniyam 2023.

12. List on **27.10.2026** for appearance of accused, grant of bail and framing of notice.

(Ravisha Sidana)
JMFC, NI Act-06,
Central District, THC
28.04.2026