

Present: Sh. Ashwani Kumar Sharma, Advocate for complainant

1. Complaint presented today. It be checked and registered.
2. CW-1 Diveshwar Mangotra is present and tendered his duly sworn affidavit into his evidence alongwith documents. Same are taken on record. He further stated that he closes his preliminary evidence. In view of the statement, the preliminary evidence of the complainant stands closed.
3. Heard on point of summoning of accused. Perusal of the complaint reveals that the present complaint is filed under Section 25 of Payment and Settlement Systems Act, which is governed by a Special Statute i.e., Negotiable Instruments Act which provides its own procedure and there is no need of pre-cognizance notice as per provided under Proviso to Sub-Section 1 of Section 223 BNSS, 2023. The same was also held by the Hon'ble Supreme Court in the case titled as **Sanjabij Tari Vs. Kishore S. Borcar and another, bearing Criminal Appeal no. 1755 of 2010 as decided on 25.09.2025.**
4. In preliminary evidence, Diveshwar Mangotra, Authorized representative of complainant has stepped into the witness box as CW-1 and tendered his duly sworn affidavit Ex. CA, wherein he reiterated the contents of complaints and had placed on record documents i.e., Ex. C1 to Ex. C5.
5. Perusal of the complaint as well as the preliminary evidence so available on record which includes the copy of cheque, return memo, copy of legal notice, postal receipt etc., prima-facie shows that the instant complaint has been filed by the complainant within the period of limitation. At the same time, the address of accused is beyond the jurisdiction of this Court, so Magistrate has to postpone the issue of process and has to inquiry the case himself under Section 225 BNSS (earlier Section 202 Cr.P.C.).
6. Accordingly, as per the mandate of Section 225 BNSS, the undersigned has inquired into the case and has scrutinized the documents carefully. On the careful perusal of the documents attached with the file and evidence tendered by the complainant in his preliminary evidence, this Court is of the considered opinion that sufficient grounds are made out to summon the accused under Section 138 of Negotiable Instruments Act, 1881. The detailed expression of opinion is avoided as it is no longer necessary in view of the observations of the Hon'ble Supreme Court of India in the case of **U.P. Pollution Board Vs. Mohan Meekan, 2000(2) RCR (Criminal) 421** and reiterated in **Deputy Chief Controller of Import and Export Vs. Roshan Lal Aggarwal, 2003 (2) RCR (Criminal) 110 (SC).**
7. At this stage, while summoning the accused, the Court has to see only a prima-facie allegations and the same are clearly made out against the accused in the present complaint. Accordingly, this Court finds that there are sufficient grounds to proceed against the accused under Section 25 of Payment and settlement Systems Act. Hence, accused is ordered to be summoned to face trial for above said offence for 17.08.2026 through normal process as well as on filing RC/AD.
8. Dasti summon be issued, if requested.

Date of Order: 21.04.2026
Manisha (Steno-II)

(Manav Garg), PCS
Judicial Magistrate Ist Class
Ludhiana, UID No. PB0819