

73 CC NI ACT / 9866/2026 PARIJAT INDUSTRIES INDIA LTD Vs.
RAJU BALIJAPALLI /0 ()

05.08.2026

Fresh case received by way of assignment. It be checked and registered as per rules.

Present: Mr. Jason James, Ld. counsel for complainant through VC.

Matter is listed for consideration.

It is pertinent to mention that the present case is at the stage of pre-cognizance stage. However, recently, the Hon'ble Supreme Court in the case of **Sanjabij Tari Vs. Kishore S. Borcar & Anr. Crl Appeal no. 1755 of 2010** has held that there is no need to issue notice to the accused at the pre-cognizance stage.

Ld. counsel for complainant requests that the judgment of A.C. Narayanan vs. State of Maharashtra (2014)11 SCC790 may be applied in the present matter.

Following the law laid down in **A.C. Narayanan vs. State of Maharashtra (2014)11 SCC790**, complaint, affidavit of evidence and other annexed documents considered. Accordingly, there is no need to examine the complainant for the purpose of issuance of process.

Arguments on summoning heard. I have perused the complaint, evidence affidavit and the documents on record.

The cheque in question was issued in favour of the complainant by the accused towards discharge of his liability. The said cheque was dishonoured on presentation. Legal notice was issued and served upon the accused on the last known address available with the complainant in the ordinary post. The grievance of the complainant is that accused has not made the payment against the aforesaid cheque within the stipulated period despite service of legal notice.

This court finds sufficient material to proceed ahead with the case at hand. I take cognizance of the offence punishable u/s 138 NI Act. In view of the same, there are sufficient grounds for proceeding further against accused person namely **MR. RAJU BALIJAPALLI, PROPRIETOR OF M/S SHRI ANJENEYA SEEDS AND PESTICIDES**, for offence punishable under Section 138 N. I. Act. I hereby summon the said accused person.

Reader-cum-Ahlmad is hereby directed to issue summons against the accused persons *on filing of P.F./R.C./Approved Courier as well as through e mail ID and whatsapp number of accused persons on furnishing of the correct e mail ID and whatsapp Number of the accused persons by the complainant.*

Ld. Counsel for the complainant is also directed to fill up the online META Data form at the time of filing of first process fee as mandated by the SOP issued by the Hon'ble High Court of Delhi. Proof of service/tracking report be filed and updated in the digital file on or before the next date of hearing. Any previous correspondence between the parties on the same email, whatsapp or phone number to be filed along with the tracking report.

The process server is directed to serve the summons by way of affixation in terms of section 65 CrPC (section 67 of BNSS, 2023), if premises found closed or same could not be served personally or on any adult member.

Further, the complainant is to file an affidavit to the effect that the service of summons has been effected via e mail and/or whatsapp number of the accused. The affidavit is to be annexed along with certificate u/s 65 B of Indian Evidence Act (section 63 of BSA, 2023). A digital copy of screenshot of such service be necessarily attached with a report on summons.

As per the guidelines laid down in **Damodar S. Prabhu Vs. Sayyed Baba Lal H**, 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 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 cost on the accused."

The Ahlmad is directed to mention the official email Id and video conferencing link of this Court on the summons. Complainant is directed to file PF and take steps within 4 weeks including providing copy(ies) of complaint. Matter be fixed for appearance of accused on **25.02.2027**.

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by Mayank
Aggarwal
Date:
2026.08.05
17:46:56 +0530

(Mayank Aggarwal)
JMFC (N.I. ACT)-07/SED,
Saket Courts, New Delhi /05.08.2026