

**STFC v. Shri Ram Building Material Supplier through Proprietor Jogendor &
Anr.**

Present: Sh. S.K. Dahiya, Advocate for the complainant.

Order dated 30.07.2026

Arguments heard on the issue of taking cognizance and issuing summons to the accused.

The complainant is a non-banking financial institution having its branch office at Mohindergarh. The accused had availed loan from the complainant and, in discharge of the liability, the accused had issued cheque Ex. C-1. The cheque was returned unpaid with remarks 'funds insufficient' vide return memo Ex. C-2. The complainant then sent notice to the accused as per requirement of Section 138, NI Act but the accused did not respond.

As per Section 138 read with 141, NI Act, the jurisdiction for making a complainant for the offence punishable under Section 138, NI Act lies with the court within whose jurisdiction the complainant maintains the bank account. That being so, the cheque can be presented at any branch of the bank but the complaint can be instituted at the place where the home account of the complainant is maintained.

As per return memo Ex. C-2, the home account of the complainant is maintained with Rewari branch of Axis Bank Ltd. Mere presentation of the cheque at Mohindergarh would not confer territorial jurisdiction to the courts at Mohindergarh. Therefore, this court is not competent to take cognizance of the offence on the basis of the present complaint.

Accordingly, taking aid of Section 224 BNSS, the present complaint is hereby returned to the complainant with endorsement for its presentation before the competent court within a period of 30 days, if the complainant so desire. In case the complaint is not presented before the court competent within the stipulated time, the complaint shall stand dismissed. A photocopy of the file be kept for record and be consigned. Original with all documents be returned to the complainant against receipt within two days.

VIKRANT
UID No. HR0385
ACJ(SD)/SDJM/RC
Mohindergarh, 30.07.2026

Mohan, SG-III