

**AMIT MITTAL Vs M/S MEDISPHERE MARKETING AND CONSULTANCY
CORPORATION**

Present: Shri Vishal Mittal, Adv for complainant

Today the case was fixed for appearance of accused in pursuance of notice u/s 223 (1) of BNSS. Notice issued to accused not received back. At this stage it is apposite to refer the law laid down by Hon'ble Apex Court in (**"Sanjabij Tari Vs Kishore S.Borcar & anr"** (Neutral Citation 2025 INSC 1158) D/d 25.09.2025), wherein it was held that "there shall be no requirement to issue summons to the accused in terms section 223 (1) of BNSS i.e. at the precognizance stage". Accordingly, there is no requirement of issuance of summons to the accused at the precognizance stage in complaint u/s 138 of Negotiable Instrument Act.

Perusal of the case file reveals that preliminary evidence of complainant has already been closed.

In view of the provision of section 202 of Cr.P.C./225 BNSS from the evidence produced on record by the complainant in preliminary evidence, I am satisfied that sufficient grounds exist to proceed against the accused and that no detailed examination of complainant witness (s) is required to be conducted for the purpose of conducting inquiry as per the guidelines/principles enumerated by Hon'ble Punjab and Haryana High Court in CRM-M-1164-2025 titled as **Subham Valia @ Shubham Walia Vs. Sarthak Blenders & Bottlers Pvt. Ltd. and others D/d. 13.01.2025.**

Arguments heard on the point of summoning. From the material brought on the file, it is prima facie established that the accused in order to discharge their existing liability issued **cheque no.000094 dated 20.06.2025 for Rs.10,00,000/- Ex.C9** but the same was dishonoured by the banker of the accused with the remarks "**funds insufficient**" vide memo **Ex.C10/Ex.C11**. Legal notice **Ex.C12** was also sent to the accused but the payment was not made.

Since the accused have not made the payment within stipulated period despite service of notice as such there are sufficient grounds to proceed against the accused under Section 138 of the Negotiable Instruments Act, 1881. Let, the **accused no. 2 (authorized signatory of accused no. 1) be summoned for 20.03.2026** through RC on filing of PF, copy of complaint, list of witnesses etc. In view of the directions of **(Hon'ble Apex Court in "Sanjabij Tari Vs Kishore S.Borcar & anr" (Neutral Citation 2025 INSC 1158) D/d 25.09.2025)**, dasti summons be issued to the accused, if desired. Further, if the requisite particulars including e-mail address, mobile number and/ or Whatapp number/messaging application details of the accused are provided by the complainant, duly supported by an affidavit, verifying the said particulars of the accused, service be also effected through the said electronic mode. The ahlmad of this court is directed to make a specific mention on the summons that this is a compoundable offence. Also this court is of opinion that imprisonment for a period exceeding one year may have to be passed, thus the present complaint be treated as summons case.

Date of order:18.11.2025

gaurav

(Dhruv Saini)

JMIC/Ambala

UID No. 00562