

27.11.2024**Proceedings are conducted through VC using CISCO Webex Meeting App.**

Present : Ld. Counsel Sh. Varun Jain for complainant.

Ld. Counsel has submitted that the complaint was e-filed on 25.06.2024, same was kept pending for scrutiny and acceptance by registry. The complaint was finally accepted by the registry on 04.07.2024. Ld. Counsel has submitted that there was no fault as well as delay on the part of the complainant in filing of the complaint. Hence, there is no delay in filing of the complaint.

Considering the submissions of the Ld. Counsel, it appears that the complaint was filed in time. It appears that there is no delay on the part of the complainant, hence, as such, there is no delay.

Heard on the point of summoning. This is complaint filed for offence punishable under Section 138 NI Act. Complaint, affidavit of evidence and other annexed documents perused. The original complaint and documents are placed in the safe custody of the Reader-cum-ahlmad of this court. I take cognizance of the said offence.

Following the law laid down in A.C.Narayanan Vs. State of Maharashtra & Anr. (2014) 11 SCC 790, complaint, affidavit of evidence and documents considered.

In view of the complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against the accused for offence punishable under Section 138 NI Act.

The complainant side is directed to file metadata form before filing of PF. Thereafter, Reader-cum-Ahlmad to issue summons against the accused through all modes on PF/RC/Approved courier **through all modes. Dasti copy of summons be also provided to complainant.** Service be also effected on the email, whatsapp message(s) and text message of accused person(s). Proof of service/tracking report be filed and updated in the digital file on or before the next date of hearing. The process server is directed to serve the summons by way of affixation, if premises found closed or same could not be served personally or on any adult male member. An endorsement be also made that if application for compounding at first or second hearing is made the court may pass appropriate orders at the earliest and if settlement is made at subsequent stage the consequences as envisaged in Damodar S. Prabhu Vs. Sayed Babulal H.; (2010) 5 SCC 663 shall be enforced.

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 10 days including providing copy(ies) of complaint otherwise the complaint may be dismissed Under Section 204 (4) Cr.P.C.

Matter be fixed for appearance of accused/furnishing of bail/consideration on notice for **28.02.2025**.

(Jayanti Chander)
JMFC (NI ACT) Digital Court-03 (N/W),
Rohini Courts, Delhi, 27.11.2024