

7CC NI ACT5591/2022

HERO FINCORP LTD. Vs. SANODARIYASAILESHKUMAR/0 (Lajpat Nagar)

(Court through Video conferencing using CISCO WEBEX application).

30.01.2025

Present: Sh. A.P. Sidhartha, Ld. counsel for complainant.

Matter is listed for compliance and consideration on summoning.

Account statement for enquiry u/s 202 CrPC filed. Let the same be taken on record.

A perusal of the file reveals that cheque bearing no. 121982 was issued on 19.04.2022. The same was returned on 21.04.2022 with the comment 'funds insufficient'. The legal demand notice was sent on 04.05.2022 (the day on which the return memo is received is excluded for the purposes of calculating the period of limitation for sending the legal demand notice within 30 days). The legal demand notice was delivered on 09.05.2022. The present complaint came to be filed on 15.06.2022. The same appears to be within the period of limitation.

Pre-summoning evidence by way of affidavit and other annexed documents perused. 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.

Following the law laid down in **A. C. Narayanan Vs. State of Maharashtra & Anr."** (2014) 11 SCC 790, complaint, pre-summoning evidence by way of affidavit and other documents considered. In view of the same, there are sufficient grounds for proceeding further against accused person namely **SANODARIYA SAILESH KUMAR**, 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 male 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<sup>3</sup>**, 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 and framing of notice on **05.06.2025** at 10:00 AM

**ANJALI SINGH** Digitally signed  
by ANJALI SINGH  
Date: 2025.01.30  
16:20:46 +0545

(Anjali Singh)

JMFC (N.I. ACT) Digital Court-02/SED,  
Saket Courts, New Delhi /30.01.2025

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<sup>3</sup>(2010) 5 SCC 663