

23.02.2024

Court Proceeding through Video Conferencing using Cisco Webex.

Present: Ms. Namrata Ld. counsel for the complainant.

Today the matter is listed for compliance and arguments on summoning.

Ld. counsel for the complainant submit that the original documents have been deposited with the Reader/Ahlmad of this court. Reader/Ahlmad of this court has confirmed that she has received the original documents. She is directed to keep the original documents in safe custody. E-filing history of the complaint has also been annexed with the complaint.

This is a complaint filed for an offence punishable under Section 25 of The Payments & Settlement Systems Act, 2007 r/w Section 138 Negotiable Instruments Act. Complaint, affidavit of evidence and other annexed documents perused. I take cognizance of said offence.

Arguments on summoning heard. Record perused.

On consideration of the complaint, annexed documents and the verification affidavit of the complainant in the light of law laid down in A.C. Narayanan vs. State of Maharashtra (2014) 11 SCC 790 this Court is of the opinion that prima facie there are sufficient grounds for proceeding against the accused person for the commission of offence under Section 25 of The Payments & Settlement Systems Act, 2007 r/w Section 138 Negotiable Instruments Act. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with.

Accordingly, let **accused UPDESH SINGH** be summoned on filing of PF, RC/ Speed Post/ approved Courier service/ for **30.08.2024**. Service of E-summons be also affected through SMS/Whatsapp/Other instant messaging service. The process server is directed to serve the summons by way of affixation, if premises are found closed or same could not be served personally or on any adult male member.

Ld. Counsel is further directed to file duly filled mandatory NI Act Complaint Meta Data Form before filing first PF.

As per the guidelines laid down in *Damodar S. Prabhu Vs. Sayed Babalal H, AIR 2010 (SC) 1907*, Ahlmad is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) 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 costs on the accused."

Complainant is directed to file PF and take steps within 30 days including providing copy(ies) of the complaint otherwise the complaint may be dismissed U/s 204(4) Cr. P.C.

Accused is directed to appear before this court through video conferencing on Cisco Webex through the permanent Cisco Webex VC Room ID <https://districtcourtdwarka.webex.com/meet/MMNIActDigitalCourt06>.

Put up for appearance of the accused/furnishing of bail/ consideration of notice on 30.08.2024 at 10:00 A.M.

**(DEEPIKA YADAV)
MM (NI ACT)/DIGITAL COURT-06,
SOUTH WEST, DWARKA COURT,
NEW DELHI/23.02.2024**