

05.08.2021

Proceedings have been conducted through video conferencing on Cisco Webex application through the permanent Cisco Webex VC Room ID <https://delhidistrictcourts.webex.com/meet/niwest0001>.

Present: Sh. Aviral Garg, Id. Counsel for the complainant.

Heard. Record perused.

This is a complaint filed for offence punishable under Section 138 Negotiable Instruments Act, 1881.

Complaint, verification affidavit, affidavit of evidence and other annexed documents perused. Cognizance taken of the offence under section 138 NI Act on the basis of material on record. Complainant has filed the meta data form as per the Digital NI Act Court Project Implementation Guidelines framed by Hon'ble High Court of Delhi. Same is taken on record.

Arguments heard on the point of summoning. All the statutory requirements under the NI Act are complied with. The present complaint case is filed within limitation in view of the order dated 27.04.2021 passed by the Hon'ble Supreme Court of India in Suo Moto Writ Petition (Civil) No.3 of 2020 titled as IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION. Complainant has filed the pre-summoning evidence by way of affidavit alongwith the relevant documents including the dishonoured cheque, bank return memo, legal notice sent to the accused and proof of sending the legal notice. Upon examination of the evidence affidavit of the complaint and the documents present on record, it is found that there are sufficient grounds to proceed against the accused, as prescribed under Section 202 Cr.P.C. After perusal of the entire record, this Court is of the considered opinion that a prima facie case punishable under Section 138 of N.I. Act is made out against the accused.

Issue summons to the accused through approved registered courier, speed post,

whatsapp and e-mail for 27.10.2021. Complainant is directed to file PF and take steps within 07 days. Complainant is directed to supply the copy of complete set of documents filed in the court including the evidence affidavit of complainant. Reader cum Ahlmad is directed to issue the summons only after ensuring that the same has been done.

Complainant is directed to file an affidavit verifying the correctness of email ID/whatsapp number of the accused.

Reader cum Ahlmad is directed to send the e-copy of summons alongwith the e-copy of the digital case file to the Nazarat Brach for service through email/whatsapp. Nazarat Branch is directed to file report regarding service of summons through e-mail/whatsapp before the NDOH.

Complainant is directed to file the process fee and postal envelopes physically, mentioning the details of the case etc. for issuance of summons to the accused. Reader cum Ahlmad is directed to preserve PF form, service report, postal/ courier envelopes and upload scanned copies thereof on the LAYERS 2.0 as well as on mirror image of file on cloud.

Accused is directed to appear before this court through video-conferencing on the Cisco Webex application through the permanent Cisco Webex VC Room ID <https://delhidistrictcourts.webex.com/meet/niwest0001>. Parties can access information pertaining to working of Digital NI Act Courts through the link <https://delhicourts.nic.in/digitalnicourts.html>.

Put up for appearance of accused, grant of bail and hearing on notice under section 251 Cr.P.C. on 27.10.2021 at 10.00 A.M. Copy of this order be sent along with the summons.

MOHIT SHARMA  
MM (NI ACT)  
DIGITAL COURT-01/WEST/  
THC/Delhi/05.08.2021