

CNR No: PBPT030091742024

CIS No: COMA/3674/2024

SHRIRAM CITY UNION FINANCE LIMITED VS BALBIR SINGH

Present: Sh. TEJVEER SINGH KHAROUND Advocate for the complainant

The Hon'ble Supreme Court in CREF Finance LTD Vs Shree Shanthi Homes Private Ltd and another(Criminal Appeal no. 1063 of 2005) and in State of Karnataka and another Vs Pastor P Raju (Criminal Appeal no. 814 of 2006) while reiterating the judgment of Jamuna Singh and others Vs Bhadai Shah(Criminal Appeal no.56 of 1960) has held that the moment court records statement of complainant in a complaint case it amounts to taking cognizance. Therefore, at this stage neither the statement of complainant nor his witnesses can be recorded.

As per the mandate of proviso to Section 223(1) of BNSS 2023, let notice of the present complaint be issued to the accused to afford him an opportunity of being heard. It is however, made clear that this notice is not to be treated as summoning of the accused/respondent after preliminary evidence as it was the scenario before the enforcement of BNSS 2023.

However, if respondent/accused fails to appear after effective service of notice then this Court can as per law take cognizance of the present complaint in absentia. Let notice be issued to accused for 04.01.2025 through ordinary process as well as through RC/AD.

Date of Order: 04.10.2024
Surinder Kaur Steno-III

Akbar Khan
Judicial Magistrate (Ist Class)/Patiala
UID NO . PB00426