

CC NI ACT30578/2021  
HDFC BANK LTD Vs. MUKESH MISHRA

23.11.2022

Court Proceeding through Video Conferencing using Cisco Webex software

Present: Sh. Akash Ld. proxy counsel for the complainant.

1. 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. The original complaint along with the annexed documents are placed in the safe custody of Reader/Ahlmad. Complaint, affidavit of evidence and other annexed documents perused. I take cognizance of said offence.

2. Arguments on summoning heard. Record perused.

3. 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 extended period of limitation as provided by Hon'ble Supreme Court in its various orders passed during Covid-19 pandemic. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with.

4. Accordingly, let **accused Mukesh Mishra** be summoned on filing of PF, RC/ Speed Post/ approved Courier service/ for **29.04.2023**. 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.

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

6. 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."

7. Complainant is directed to file PF and take steps within 15 days including providing copy(ies) of the complaint otherwise the complaint may be dismissed U/s 204(4) Cr. P.C.

8. 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>.

9. **Put up for appearance of the accused/furnishing of bail/ consideration of notice on 29.04.2023 at 10:00 A.M.**

(MANUJ KAUSHAL)  
MM (NI ACT)/DIGITAL COURT-06,  
SOUTH WEST, DWARKA COURT,  
NEW DELHI/23.11.2022