

## **M/S Unistone Panels Private Limited ... vs Harsh Bhartiya Proprietor Of M/S Sangam ... on 17 August, 2024**

38CC NI ACT/2899/2024

M/s UNISTONE PANELS PRIVATELIMITED Through AR Mr Bhushan LalRaina Vs. Harsh Bhartiya Proprietor of M/sSangam Enterprises  
(Maurya Enclave)

Proceedings conducted online through Video Conferencing using CISCO WEBEX Software.  
Counsels are directed to appear with Camera open.  
Presence of the accused will not be marked if his or her video is off.

17.08.2024

Regular stenographer of this court is on leave today. Present : None.

This is a fresh matter.

The present complaint has been filed on / after 1 st July 2024 i.e after the enforcement and implementation of the Bhartiya Nagrik Suraksha Sanhita 2024 (hereinafter BNSS).

As per section 531, of the BNSS the present complaint shall be governed by provisions of BNSS and not by the CrPC.

This is a fresh complaint filed u/s 138 of the NI Act. It be checked and registered by the Reader cum Ahlmad of this court. The Complainant is directed to deposit the physical case file of the present complaint containing all the original documents including the cheque in question, returning memo bearing seal/stamp of the concerned bank, legal demand notice, proof of service of legal demand notice and its reply, if any.

Apart from the physical signed original complaint, its supporting affidavit and attested affidavit of pre-summoning evidence, the Complainant is also directed to file an affidavit providing the current address of the accused including his mobile no. and e-mail address, if any.

The complaint has to be accompanied by the appropriate certificate required as per provisions of Section 63 of the Bhartiya Sakshya Adhiniyam 2024 to support the electronic record. Digitally signed by SHRUTI SHRUTI SHARMA SHARMA Date:

2024.08.17 16:34:16 +0530 The physical file containing all the abovesaid document has to be deposited by the Complainant before the court within 2 weeks from today.

It is further made clear that Proviso I of the Section 223 of the BNSS clearly states that " no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity being heard"

Accordingly, no cognizance of the present complaint shall be taken unless the accused is given appropriate and reasonable opportunity of being heard.

In view of the mandate of Section 223 of the BNSS, let court notice be issued to the proposed accused to appear before the court and argue as to why cognizance should not be taken of the present complaint.

Let court notice to the proposed accused be issued through all permissible modes including the e-mode by the Nazarat Branch.

It is further made clear that court notice to the proposed accused shall be issued subject to deposition of the physical file by the Complainant within 2 weeks from today.

Assistant Ahlmad is directed to do the needful within 3 days from the deposition of physical case file.

Put up for appearance of the proposed accused and argument on the point of cognizance of the present complaint on 25.11.2024 SHRUTI SHARMA SHARMA  
Date:

2024.08.17 16:34:22 +0530 (SHRUTI SHARMA II) Judicial Magistrate First Class NI  
Act) Digital Court-01, North West, Rohini Courts, Delhi/17.08.2024