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MOST IMMEDIATELY / OUT AT ONCE

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (WEST)
TIS HAZARI COURTS : DELHI

No. 36056 - 36098 /Rules/Gaz./PDJ West/2023 Dated, Delhi the 27/9/23
Copy forwarded alongwith its enclosure for information and necessary compliance to :-

1. The Chief Metropolitan Magistrate, West District, Tis Hazari Courts, Delhi.
2. The Metropolitan Magistrates dealing with NI Act and NI Act (Digital Courts), West District, Tis Hazari Courts, Delhi.
3. The Branch Incharge, Nazarat Branch, West District, Tis Hazari Courts, Delhi.
4. The PS to Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi.
5. The Reader to Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi.
6. The O/o CMM, West District, Tis Hazari Courts, Delhi.
7. For uploading on LAYERS.
8. For uploading on central Website through LAYERS.

Hemani 27/9/23
(Hemani Malhotra)
Officer Incharge (Judicial Branch)
DJ (Commercial)-02, West Distt.

No. 133 /Rules/DHC/2023

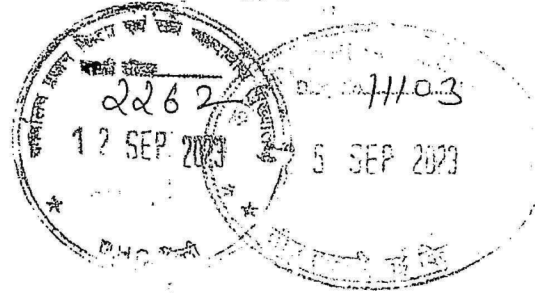
Dated: 06/9/2023

06
26/9/23

From

The Registrar General,
High Court of Delhi,
New Delhi.

To

Principal District & Sessions Judge (HQs),
Tis Hazari Courts,
Delhi

Sub: Request to consider letter no. 7184/Court Cell/PHQ dated 10.08.2023.

Sir,

I am directed to forward herewith a copy letter no. 7184/Court Cell/PHQ dated 10.08.2023 of Dy. Commissioner of Police, Legal Division, PHQ, with a request to consider the same and issue necessary directions.

Yours sincerely,

Encl : As above.

(Syed Zishan Ali Warsi)
Joint Registrar (Judicial) (Rules)
For Registrar General

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs) : DELHI
No. 71595 - 625 /Rules/Gaz/2023

Dated 23.09.2023

- Copy along with its enclosures forwarded for information & necessary compliance to:-
1. Ld. Principal District & Sessions Judge, all court complexes, Delhi/New Delhi. (w)
 2. The Chief Metropolitan Magistrate, Central, Tis Hazari Courts, Delhi.
 3. Ms. Bhujja'i, MM (NI-Act)-01, Central, Tis Hazari Courts, Delhi.
 4. Ms. Neha Goel, MM (NI-Act)-02, Central, Tis Hazari Courts, Delhi.
 5. Ms. Katyayini Sharma Kandwal, Mm (NI-Act)-03, Central, Tis Hazari Courts, Delhi.
 6. Sh. A'jn Kirar, MM (NI-Act)-04, Central, Tis Hazari Courts, Delhi.
 7. Sh. D'vya Gupta, MM (NI-Act)-05, Central, Tis Hazari Courts, Delhi.
 8. Sh. Visvesh, MM (NI-Act)-06, Central, Tis Hazari Courts, Delhi.
 9. Ms. Deepika Goyal Shokeen, MM (NI-Act), Digital Court-01, Central, Tis Hazari Courts, Delhi.
 10. Ms. Manya MM (NI-Act), Digital Court-02, Central, Tis Hazari Courts, Delhi.
 11. Sh. Raj Kumar Singh, MM (NI-Act), Digital Court-03, Central, Tis Hazari Courts, Delhi.
 12. The A O (Judicial)/Branch In Charge, Nazarat Branch, Central, Tis Hazari Courts, Delhi.
 13. The P.S/ Reader to the undersigned.
 14. The R&I Branch (Central) for uploading on LAYERS.

PD/SJ (w)
25/09/2023

V. K. Baweja

OIC/Judl/w

(KAVERI BAWEJA)
District Judge (Commercial Court)
Officer In-Charge, Judicial Branch (Central)
For Principal District & Sessions Judge (Hs), Delhi



OFFICE OF THE COMMISSIONER OF POLICE : DELHI

New Police Headquarters, Jai Singh Road, New Delhi 110001

Telephone/Fax No. 011 - 23762616, Extn.73228&30 Email : courtcellphqds@gmail.com

No. 7184 /Court Cell/PHQ, dated 10/8 /2023.

To

The Registrar General,
Hon'ble High Court of Delhi,
Delhi

Subject: Request for issuance of practice directions to the Ld. NI Act Courts for service of Summons/Notices in NI Act cases through courier services, post, mail etc.

Sir,

It is submitted that Section 144 of the Negotiable Instruments Act provides the mode of service of summons in NI Act cases by speed post or by approved courier services. This section further provides that when the acknowledgment purported to be signed by the accused or the witness, or an endorsement purported to be made by any person authorised by the postal department, or the courier services that the accused or the witness refused to take delivery of summons, has been received, the Court issuing the summons may declare that the summons has been duly served.

Further in order to ensure speedy and expeditious disposal of cases falling under Section 138 of the Negotiable Instruments Act, the Hon'ble Supreme Court of India, in its judgment dated 21.04.2014, passed in a matter titled "Indian Bank Association Vs. Union of India", observed that:

"the MM/JM should adopt a pragmatic and realistic approach while issuing summons in section 138 Negotiable Instruments Act cases. Summons must be properly addressed and sent by post as well as by email address got from the complainant. Court, in appropriate cases, may take the assistance of the police or the nearby court to serve notice to the accused. For notice of appearance, a short date be fixed. If the summons is received back un-served, immediate follow up action be taken."

Does not pertain to SCMS Branch.

A Kabra
C. Arshay Mughal, J.A. (C.M.)
17/8/23.

GENERAL RECEIPT
High Court of Delhi
RC from Sec 138 NI Act
11 AUG 2023
RS from SLP on 10/8/23
Receipt No. 7945

14/8

From the above observation of the Hon'ble Apex Court, it is apparent that disposal of complaints under section 138 of the Negotiable Instruments Act 1881 can also be achieved by resorting to service of summons through e-mail or through postal means without having recourse to Police in a general manner.

It has been observed that in spite of the above directions passed by the Hon'ble Apex Court and the enabling provisions prescribed under section 144 of the NI Act, the Courts dealing with NI Act cases, are regularly and frequently issuing summons to the accused/complainant to be executed through local police. A data for the period from 01.01.2023 to 31.03.2023 has been collected from field formations, which may be seen in the tabular chart appended below:

Type of Processes (under N.I. Act)	Figures
Summons	14520
Warrants	40610
Notice	9430
Other Court Processes	3021
Total	67581

From the tabular chart appended above, it is evident that in the period of 03 months, 67581 Court's processes in NI Act cases have been received by Delhi Police. Out of these 67581 Court's processes, 29826 processes pertained to jurisdictions outside Delhi. Due to receipt of such a large number of Court processes by local police from NI Act Courts, a significant proportion of the limited manpower of Police Station is being diverted for the purpose of service of these summons/warrants/notices and other court processes leading to shortage of manpower availability for core policing tasks.

It is worth mentioning here that as per the details provided below in a tabulated form 1,89,200 Bailable and Non-Bailable warrants pertaining to non-NI Act cases/regular criminal cases have been received for execution by Delhi Police in the first seven months of 2023. Out of these 1,89,200 Bailable/Non Bailable Warrants, no less than 57,677 pertained jurisdictions outside Delhi. A huge volume of Summons and other processes in regular criminal matters are already being entrusted for execution to the local police.

Type of warrant	Within Delhi	Outside Delhi
Bailable	82561	31990
Non-Bailable	48962	25687
Total	131523	57677

In view of the above, it is requested that NI Act Courts may be issued practice directions to proceed with summoning of accused persons in accordance with the provisions of section 144 of NI Act, read with the aforementioned observations of the Hon'ble Supreme Court of India in the matter titled "Hemlata Vs. Hemant Kumar" vide Transfer Petition (Civil) 1859/2022 and to issue summons to the accused persons/respondents in NI Act cases through speed post or by approved courier services in the first 02 attempts. In case, the process still remains unserved, then the matter be referred to Police for the service of the same.

This issue with the approval of Commissioner of Police, Delhi



(HAREESH H.P.)
DY. COMMISSIONER OF POLICE
LEGAL DIVISION, PHQ.

No. /Court Cell/PHQ, dated /2023

Copy for information to OSD to CP/Delhi.