HIGH COURT OF DELHI: NEW DELHI

No. 75 /Rules/DHC Dated : 21/06/2021

PRACTICE DIRECTIONS

In compliance of the order of Hon'ble Supreme Court of India dated 16.04.2021 passed in Suo Motu Writ Petition (Criminal) No. 2/2020 titled *"In Re: Expeditious Trial of Cases under Section 138 of Negotiable Instrument Act 1881"*, the following directions are hereby issued: -

1. The Magistrates having jurisdiction to try offences under the Negotiable Instruments Act, 1881 (in short N.I. Act),shall record cogent and sufficient reasons before converting a complaint under Section 138 of the N.I. Act from summary trial to summons trial in exercise of power under the second proviso of section 143 of N.I.Act. Due care and caution shall be exercised in this regard and the conversion of summary trial to summons trial shall not be in a mechanical manner.

2. On receipt of any such complaint under Section 138 of N.I. Act, wherever it is found that any accused is resident of the area beyond the territorial jurisdiction of the Magistrate concerned, an inquiry shall be conducted by the Magistrate to arrive at sufficient grounds to proceed against the accused as prescribed under Section 202Cr.P.C.

3. While conducting any such inquiry under Section 202 Cr.P.C., the evidence of witnesses on behalf of the complainant shall be permitted to be taken on affidavit. In suitable cases, the Magistrate may restrict the inquiry to examination of documents for satisfaction as to the sufficiency of grounds for proceeding under the said provision.

4. Trial Court shall treat service of summons in one complaint under Section 138 N.I. Act forming part of a transaction, as deemed service in respect of all complaints filed before the same Court relating to dishonor of cheques issued as part of the same transaction.

5. Trial Courts have no inherent power to review or recall the issue of summons in relation to complaint filed under Section 138 of N.I. Act. However, the same shall not affect the power of the Trial Court under Section 322 of Cr.P.C to revisit the order of issue of process in case it is brought to the court's notice that it lacks jurisdiction to try the complaint.

6. Section 258 of Cr.P.C. has no applicability to complaints under Section 138 of N.I.Act. The words *"as far as may be"* in Section 143 are used only in respect of applicability of Sections 262 to 265 of the Code and the summary procedure to be followed for trials under the said Code.

7. The Appellate Courts before which appeals against the judgments in complaint under Section 138 of N.I. Act are pending are directed to make an effort to settle the dispute through mediation.

These Practice Directions shall come into force with immediate effect.

By Order

(MANOJ JAIN)
REGISTRAR GENERAL

Endst. No. 244-260 /Rules/DHC/2021 Dated: 21/06/2021

Copy forwarded for information:-

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.
2. The Principal District & Sessions Judge, North-West District, Rohini Courts, Delhi.
3. The Principal District & Sessions Judge, South District, Saket Courts, New Delhi.
4. The Principal District & Sessions Judge, South-West District, Dwarka Courts, New Delhi.
5. The Principal District & Sessions Judge, North District, Rohini Courts, Delhi.
6. The Principal District & Sessions Judge, South-East District, Saket Courts, New Delhi.
7. The Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi.
8. The Principal District & Sessions Judge,New Delhi District, Patiala House Courts, New Delhi.
9. The Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.
10. The Principal District & Sessions Judge, North-East District, Karkardooma Courts, Delhi.
11. The Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi
12. The Principal District & Sessions Judge-cum-Special Judge, CBI (PC Act), Rouse Avenue District Court Complex, New Delhi
13. The Principal Judge, Family Courts (HQ), Dwarka Courts Complex, Dwarka, New Delhi
14. The President/Secretary, Delhi High Court Bar Association, Delhi High Court, New Delhi.
15. The President/Secretary, Bar Association, Tis Hazari Courts/Patiala House Courts/ Karkardooma Courts/Rohini Courts/Dwarka Courts/Saket Court Complex.
16. All Registrars/OSDs/ Joint Registrars (Judicial), High Court of Delhi.
17. Joint Director (IT) with the request to upload the Notification on the Intranet of this Court.
18. Guard File.

(APARNA SWAMI)
JOINT REGISTRAR (RULES)

OFFICE OF THE PR. DISTRICT & SESSIONS JUDGE, ROHINI COURTS

Genl.I/N-W & N/Rohini/2021/ 109-112 (own) Delhi, dated the 30-6-2021

Copy forwarded for information and necessary compliance to :

1. All the Ld. Judicial Officers, **(DHJS & DJS)**, North-West & North District, Rohini Courts, Delhi (through email-id).
2. The Personal Office, Ld. Principal District & Sessions Judge, North-West & North District, Rohini Courts, Delhi (through email-id).
3. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE (through email-id).
4. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS (through email-id).

Sd

(G.K. MATHUR)
Incharge, General Branch,
Pr. District & Sessions Judge's Office,
Rohini Courts Complex, Delhi.