HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Office of the Registrar General at Jammu)

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CIRCULAR

No:-20 of 2025/RG **Dated:-03.12.2025**

Whereas, the Hon'ble Supreme Court of India vide Judgment dated 25.09.2025, passed in Criminal Appeal No. 1755/2010 titled "Sanjabij Tari Vs. Kishore S. Borcar and Anr", while observing that the massive backlog of cheque bouncing cases and the fact that service of summons on the accused in a complaint filed under Section 138 of the Negotiable Instrument Act, 1881, continues to be one of the main reasons for the delay in disposal of the complaints as well as the fact that punishment under the NI Act, is not a means of seeking retribution but is more a means to ensure payment of money and to promote credibility of cheques as a trustworthy substitute for cash payment,has rendered certain directions.

In furtherance of the same, Hon'ble the Chief Justice has been pleased to issue following **Directions** for strict adherence by all concerned:-

A. In all cases filed under Section 138 of the NI Act, service of summons shall not be confined through prescribed usual modes but shall also be issued dasti i.e. summons shall be served upon the accused by the complainant in addition. The Trial Courts shall further resort to service of summons by electronic means in terms of the applicable Notifications/Rules, if any, framed under sub sections 1 and 2 of Section 64 and under Clause (i) of Section 530 and other provisions of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') like Delhi BNSS (Service of Summons and Warrants) Rules, 2025. For this purpose, the complainant shall, at the time of filing the complaint, provide the requisite particulars including e-mail address, mobile number and/or WhatsApp number/messaging application details of the accused, duly supported by an affidavit verifying that the said particulars pertain to the accused/respondent.

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B. The complainant shall file an affidavit of service before the Court. In the event such affidavit is found to be false, the Court shall be at liberty to take appropriate action against the complainant in accordance with law.

C. In order to facilitate expeditious settlement of cases under Section 138 of the NI Act, the Principal District and Sessions Judge of each District Court shall create and operationalise dedicated online payment facilities through secure QR codes or UPI links. The summons shall expressly mention that the Respondent/Accused has the option to make payment of the cheque amount at the initial stage itself, directly through the said online link. The complainant shall also be informed of such payment and upon confirmation of receipt, appropriate orders regarding release of such money and compounding/closure of proceedings under Section 147 of the NI Act and/or Section 255 of Cr.P.C./278 BNSS, 2023 may be passed by the Court in accordance with law.

D. Each and every complaint under Section 138 of the NI Act shall contain a synopsis in the following format which shall be filed immediately after the index (at the top of the file) i.e. prior to the formal complaint:-

Complaint under Section 138 of the Negotiable Instruments Act, 1881

I. Particulars of the Parties

(i) Complainant: _____

(ii) Accused: _____

(In case where the accused is a company or a firm then Registered Address, Name of the Managing Director/Partner, Name of the signatory, Name of the persons vicariously liable)

II. Cheque Details

(i) Cheque No. _____
(ii) Date: _____
(iii) Amount: _____
(iv) Drawn on Bank/Branch: _____
(v) Account No.: _____

III. Dishonour

(i) Date of Presentation: _____
(ii) Date of Return/Dishonour Memo: _____
(iii) Branch where cheque was dishonoured:_____
(iv) Reason for Dishonour: _____

IV. Statutory Notice

(i) Date of Notice: _____
(ii) Mode of Service: _____
(iii) Date of Dispatch & Tracking No.: _____
(iv) Proof of Delivery & date of delivery: _____
(v) Whether served:_____
(vi) If Not, reasons thereof:_____
(vii) Reply to the Legal Demand Notice, if any_____

V. Cause of Action

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(i) Date of accrual: _____

(ii) Jurisdiction invoked under Section 142(2): _____

(iii) Whether any other complaint under section 138 NI Act is pending between the same parties, If Yes, in which court and the date and year of the institution.

VI. Relief Sought

(i) Summoning of accused and trial under Section 138 NI Act_____
(ii) Whether Award of Interim compensation under Section 143A of NI Act sought _____

VII. Filed through:

Complainant/Authorized Representative"

E. There shall be no requirement to issue summons to the accused in terms of Section 223 of BNSS i.e., at the pre-cognizance stage.

F. The Trial Courts shall record cogent and sufficient reasons before converting a summary trial to summons trial. To facilitate this

process, the Trial Court shall be at liberty (at the initial post cognizance stage) to ask questions, it deems appropriate, under Section 251 Cr.P.C. / Section 274 BNSS, 2023 including the following questions:-

(i) Do you admit that the cheque belongs to your account? Yes/No
(ii) Do you admit that the signature on the cheque is yours? Yes/No
(iii) Did you issue/deliver this cheque to the complainant? Yes/No
(iv) Do you admit that you owed liability to the complainant at the time of issuance? Yes/No
(v) If you deny liability, state clearly the defence:

(a) Security cheque only;

(b) Loan repaid already;

(c) Cheque altered/misused;

(d) Other (specify)

(vi) Do you wish to compound the case at this stage? Yes/No

G. The Court shall record the responses to the questions in the order sheet in the presence of the accused and his/her counsel and thereafter determine whether the case is fit to be tried summarily under Chapter XXI of the Cr.P.C./Chapter XXII of the BNSS, 2023.

H. Wherever, the Trial Court deems it appropriate, it shall use its power to order payment of interim deposit as early as possible under Section 143A of the NI Act.

I. Since physical courtrooms create a conducive environment for direct and informal interactions encouraging early resolution, the High Courts shall ensure that after service of summons, the matters are placed before the physical Courts. Exemptions from personal appearances should be granted only when facts so warrant.

Note: ***These directions shall be in addition to the practice directions issued earlier, vide Circular No. 05/RG dated 05.04.2022, in compliance to the directions dated 16.04.2021, passed by the Hon'ble Supreme Court in Suo Moto Writ Petition (Criminal) No. 2 of 2020 regarding expeditious Trial of cases under Section 138 of N.I. Act 1881.***

By Order

03/12/2025

(M.K Sharma)
Registrar General

No: 74992-75037**/RG/GS** **Dated:**03**.12.2025**

Copy of above forwarded to the:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh for kind information of His Lordship;
2. Secretary to Hon'ble Mr./Mrs. Justice _____;
   ..... *for information of their Lordships*
3. Registrar Vigilance, High Court of J&K and Ladakh, Jammu;
4. Registrar Computers (I.T), High Court of J&K and Ladakh, Jammu;
5. Registrar Rules, High Court of J&K and Ladakh, Jammu;
   ..... *for information.*
6. Registrar Judicial, High Court of J&K and Ladakh, Jammu/Srinagar for information and necessary action;
7. All Principal District and Sessions Judges, UTs of J&K and Ladakh for information/ necessary action and with the request to get the same circulated amongst the judicial officers under their respective jurisdiction(s), for necessary compliance at their end;
8. CPC, e-Courts, High Court of J&K and Ladakh for information.

9. Joint Registrar, Legal Section, High Court of J&K and Ladakh for information and taking further steps for submission of status report before Hon'ble Supreme Court, if required.
10. Incharge NIC, High Court of J&K and Ladakh, Jammu for information and uploading the same on the official website of the High Court.
11. Incharge Library, High Court Wing Jammu/Srinagar for information and keeping the record of the same.
12. Order file.

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Registrar General