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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010392202026
+ **CRL.M.C. 6176/2026 & CRL.M.A. 25808/2026, CRL.M.A. 25809/2026**

ANIEL KUUMAR SAHA

.....Petitioner

Through: Mr. Rajat Bhardwaj, Ms. Ankita M. Bhardwaj, Mr. Dushyant Chaudhary, Mr. Tushar Garg and Mr. Vineet Singh, Advs.

versus

M/S RENNAISANCE INFRATECH PVT LTD & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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21.08.2026

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), seeking quashing and setting aside of the summoning order dated 18.07.2024 passed by the learned JMFC-05 (NI Act), South-East District, Saket Courts, New Delhi in Complaint Case No. 7864/2018 titled ***M/s Renaissance Infratech Pvt. Ltd. v. M/s Saha Infratech Pvt. Ltd. & Ors.***, instituted under Sections 138 and 142 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'NI Act'), insofar as it summons the petitioner/accused no.
3. Briefly stated, respondent no. 1/complainant had entered into commercial dealings with respondent no. 2/M/s Saha Infratech Pvt. Ltd., which was engaged in the business of real estate development, in relation to



sale of flats in a project known as 'Amadeus'. In the course of the said dealings, respondent no. 2/company issued cheque bearing no. 046646 dated 30.04.2018 for a sum of ₹7,09,979/- in favour of respondent no. 1. The said cheque, upon presentation, was returned unpaid *vide* return memo dated 27.06.2018.

4. Thereafter, respondent no. 1 instituted Complaint Case No. 7864/2018 on 06.09.2018 under Sections 138 and 142 of the NI Act before the learned Trial Court against respondent no. 2/company and its Directors. The petitioner, who was a Director of respondent no. 2/company, was arrayed as accused no. 3 in the said complaint.

5. During the pendency of the complaint proceedings, respondent no. 2/company was admitted into Corporate Insolvency Resolution Process ('CIRP') by the learned National Company Law Tribunal, New Delhi *vide* order dated 28.02.2020 passed in ***Indu Kumar & Ors. v. Saha Infratech Pvt. Ltd.***, and a moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'IBC') came into operation. Consequent thereto, the management of the affairs of respondent no. 2/company vested with the Interim Resolution Professional.

6. In the meanwhile, the petitioner states that he was arrested in an unconnected matter on 09.12.2020 and remained in judicial custody till 28.02.2026.

7. On 18.07.2024, when the complaint came up before the learned Trial Court, the petitioner was present before the Court in connection with other matters. The learned Trial Court noticed that no summoning order had been passed in the present complaint, though accused nos. 1 and 3 had been summoned in a connected matter. The pre-summoning evidence by way of



affidavit was already on record. Upon considering the complaint, affidavit of evidence and the documents annexed therewith, the learned Trial Court proceeded to summon the petitioner/accused no. 3.

8. On the same date, the learned Trial Court directed that a copy of the complaint be supplied to the accused, served notice under Section 251 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.'), recorded the petitioner's plea and his statement under Section 294 Cr.P.C. and observed that no application under Section 145(2) of the NI Act had been moved. The matter was thereafter directed to be listed for statement of the accused. The proceedings against respondent no. 2/company were, however, stayed in view of the moratorium operating pursuant to the CIRP proceedings.

9. Learned counsel for the petitioner submits that though the learned Trial Court directed supply of the complaint on 18.07.2024, the same was never supplied to the petitioner. It is submitted that the petitioner was in judicial custody at the relevant time and his counsel was appearing through video conferencing and, therefore, he was not afforded an effective opportunity to peruse the complaint or take appropriate steps in his defence.

10. Learned counsel further submits that the pre-summoning evidence was filed in the year 2018 and, thereafter, respondent no. 2/company underwent insolvency proceedings and a moratorium came to be imposed on 28.02.2020. Despite the aforesaid subsequent developments, the petitioner came to be summoned on the basis of the pre-summoning evidence already on record.

11. Learned counsel further submits that the petitioner remained in judicial custody for more than five years and was not aware of the proceedings being undertaken in the matter. It is submitted that only after his release on 28.02.2026 could he obtain the relevant record and ascertain the nature and



effect of the impugned proceedings.

12. Learned counsel for the petitioner further submits that the very same order dated 18.07.2024 has also been challenged by the petitioner in another CRL.M.C., wherein an opportunity to cross-examine the complainant has been sought and notice has been issued by this Court. He, however, clarifies that in the present petition, the petitioner is not seeking any opportunity to cross-examine the complainant and has confined his challenge only to the summoning order dated 18.07.2024.

13. Heard learned counsel for the petitioner and perused the record.

14. It is settled law that the inherent jurisdiction of this Court under Section 528 of the BNSS is to be exercised sparingly, with caution and circumspection, and only where such exercise is necessary to prevent abuse of the process of Court or to secure the ends of justice.

15. At the outset, this Court notes that the impugned summoning order is dated 18.07.2024, whereas the present petition has been filed in the year 2026 without any application seeking condonation of delay. It is also pertinent to note that the petitioner has approached this Court directly against the summoning order without availing the remedy of revision.

16. A perusal of the impugned order shows that the learned Trial Court noticed that no summoning order had earlier been passed in the present complaint. It thereafter considered the complaint, pre-summoning evidence by way of affidavit and the documents annexed therewith and, after referring to the law laid down in **A.C. Narayanan v. State of Maharashtra**, (2014) 11 SCC 790, proceeded to summon the petitioner/accused no. 3. Therefore, the petitioner was summoned upon consideration of the material available before the learned Trial Court and not merely on account of his presence before it on



18.07.2024.

17. The contention that the pre-summoning evidence was filed in the year 2018 does not, by itself, render the summoning order unsustainable. The said evidence was already on record and was considered by the learned Trial Court at the stage of issuance of process. The subsequent commencement of CIRP and imposition of moratorium in respect of respondent no. 2/company was also noticed by the learned Trial Court, which stayed the proceedings against the company. The imposition of moratorium against the company, therefore, does not furnish a ground for setting aside the summoning order qua the petitioner.

18. Insofar as the grievance regarding non-supply of the complaint, lack of opportunity to consult counsel and opportunity to cross-examine the complainant is concerned, the same relates to the proceedings undertaken subsequent to the issuance of process and does not, by itself, render the summoning order unsustainable. Moreover, the petitioner has already challenged the order dated 18.07.2024 in another CRL.M.C. insofar as the opportunity to cross-examine the complainant is concerned, wherein notice has been issued by this Court. Learned counsel has categorically confined the present petition only to the challenge to the summoning order. Therefore, the said grievance is not required to be examined in the present petition.

19. The fact that the petitioner remained in judicial custody from 09.12.2020 till 28.02.2026 may explain his inability to effectively participate in the proceedings during the said period; however, the same does not disclose any illegality in the issuance of process on the basis of the material considered by the learned Trial Court.

20. Thus, considering the material placed before the learned Trial Court,



the nature of the challenge raised in the present petition and the limited scope of exercise of inherent jurisdiction under Section 528 of the BNSS, this Court finds no ground warranting interference with the summoning order dated 18.07.2024.

21. Accordingly, the present petition, along with pending application(s), is dismissed.

22. It is clarified that nothing observed herein shall be construed as an expression on the merits of the complaint case or the other petition stated to be pending before this Court.

23. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 21, 2026/Av