

RAJASTHAN HIGH COURT, JODHPUR

:: CIRCULAR ::

No. 20/P.I./2025

Date:- 14.11.2025

In compliance with the judgment passed by the Hon'ble Supreme Court of India in *Sanjabij Tari v. Kishore S. Borcar & Anr.*, 2025 INSC 1158, decided on 25 September 2025, the following Guidelines are hereby issued for early disposal of cases under Section 138 of the Negotiable Instruments Act, 1881:

GUIDELINES FOR EFFECTIVE IMPLEMENTATION OF THE DIRECTIONS ISSUED BY THE HON'BLE SUPREME COURT OF INDIA IN RESPECT OF CASES UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENTS ACT, 1881

1. Service of Summons:

In all cases filed under Section 138 of the NI Act, service of summons shall not be confined to the usual prescribed modes. *Dasti* service shall also be issued, enabling the complainant to serve summons personally in addition to regular service.

2. Electronic Service:

Trial Courts shall additionally resort to electronic service of summons as per the *Rajasthan Electronic Processes (Issuance, Service and Execution) Rules, 2024*. The complainant shall provide, along with the complaint, the email address, mobile number, and/or WhatsApp/messaging application details of the accused, duly supported by an affidavit verifying the same. The complainant shall thereafter file an affidavit of service. If such affidavit is found to be false, the Court may take appropriate action in accordance with law.

3. Interim Payment Facility:

All District and Sessions Judges of each District Court shall create and operationalise dedicated online payment facilities through secure QR codes or UPI links. Since in the Courts of Rajasthan, the mechanism of making payment through QR Code and UPI pay link is not operational, therefore, until dedicated online payment systems are created, the summons shall expressly state that the respondent/accused may deposit the cheque amount at the initial stage before the concerned Court. Upon confirmation of such payment, the Court shall inform the complainant and upon confirmation of receipt, if appropriate, pass orders for release of such money and compounding/closure under Section 147 of the NI Act and/or Section 255 Cr.P.C./278 BNSS, 2023.

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4. Synopsis Requirement:

Every complaint filed under Section 138 of the NI Act shall include a front-sheet synopsis in **Format-A**, to be placed immediately after the index and before the formal complaint.

5. Pre-Cognizance Summons:

Summons need not be issued to the accused at the pre-cognizance stage under Section 223 of BNSS.

6. Summary Trial:

Trial Courts shall record cogent reasons before converting a summary trial to a summons trial. To aid this process, the Trial Court may, at the post-cognizance stage, put relevant questions under Section 251 Cr.P.C./ Section 274 BNSS, 2023, including the questions, mentioned in **Format-B**, and record the answers in the order sheet in the presence of the accused and counsel.

7. Interim Compensation:

Wherever appropriate, the Trial Court shall exercise its power to order interim compensation under Section 143A of the NI Act at the earliest stage.

8. Compounding of Offences:

Compounding shall be governed by the following principles:

- a) If the cheque amount is paid before recording of defence evidence, compounding may be allowed without any cost or penalty.
- b) If paid after recording of defence evidence but before judgment, compounding may be allowed on payment of 5% of the cheque amount to the Legal Services Authority or such other authority as deemed fit.
- c) If payment is made before the Sessions Court or High Court in Revision/Appeal, compounding may be allowed on payment of 7.5% of the cheque amount as costs.

The above guideline shall ordinarily be followed by the Courts, however looking to the facts and circumstances of each case, it would be the discretion of the court to relax or vary the aforementioned criteria in special circumstances, in the interest of justice, with reasons duly recorded.

BY ORDER

Manish
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REGISTRAR GENERAL
RAJASTHAN HIGH COURT
JODHPUR

FORMAT-A

Synopsis for the 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

(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


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FORMAT-B

Questionnaire under Section 251 Cr.P.C./Section 274 BNSS, 2023

(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

Note: These questions are not comprehensive but merely illustrative in nature.

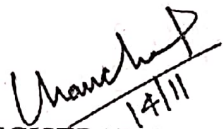
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Date : 14.11.2025

Copy forwarded to following:-

1. Registrar-cum-Principal Secretary to Hon'ble the Chief Justice, Rajasthan High Court.
2. P.S. To All the Hon'ble Judges to place the same before His / Her Lordship for kind perusal.
3. Registrar General, Rajasthan High Court, Jodhpur
4. All Registrars/OSD, Rajasthan High Court, Jodhpur/Bench Jaipur/HQ, Delhi.
5. Registrar -cum- CPC, Rajasthan High Court, Jaipur with direction to upload the same on the official website of Rajasthan High Court.
6. Registrar (Judicial), Rajasthan High Court Jodhpur/Bench Jaipur
7. All the District and Sessions Judges with the direction to circulate the same amongst all the courts of your judgeships for compliance.
8. Director, Rajasthan State Judicial Academy, Jodhpur
9. Member Secretary, Rajasthan State Legal Service Authority, Jaipur.
10. Chief Accounts Officer, Rajasthan High Court , Jodhpur
11. All Joint Registrars/ Deputy Registrars, Rajasthan High Court, Jodhpur/Jaipur Bench, Jaipur
12. All Assistants Registrars Rajasthan High Court, Jodhpur/Jaipur Bench, Jaipur.
13. Senior Librarian, Rajasthan High Court, Jodhpur/ Jaipur Bench Jaipur.
14. All Administrative Officer Judicial, Rajasthan High Court, Jodhpur.


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REGISTRAR GENERAL