

IN THE COURT OF SH. ABHISHEK GOYAL, ADDITIONAL
SESSIONS JUDGE-03, CENTRAL DISTRICT, TIS HAZARI
COURTS, DELHI

CNR No.: DLCT01-013092-2025
CRIMINAL REVISION No.: 472/2025

SHRI. GANESH RAM BHATT,
S/o. Shri. Ishwari Dutt Bhatt,
R/o. H. No. 59, Street No. 2,
Uttaranchal Enclave, Kamalpur,
Burari, Delhi-110084.

... REVISIONIST/
PETITIONER

VERSUS

SHARDA DEVI SANSKRIT VIDYA PEETH,
Through, its Manager/Authorized Representative,
Tiraha Bairam Kham, Daryaganj,
New Delhi.

... RESPONDENT

Date of filing	:	30.08.2025
Date of institution	:	01.09.2025
Date when judgment was reserved	:	04.06.2026
Date when judgment is pronounced	:	30.06.2026

J U D G M E N T

1. The present revision petition has been preferred/filed under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*)/Section 397 of the Code of Criminal Procedure, 1973 (*hereinafter, referred to as 'Cr.P.C./Code'*), seeking setting aside of the order dated 05.05.2025 (*hereinafter referred to as the 'impugned order'*), passed by the learned Judicial Magistrate First Class-08/Ld. JMFC-08, Central, Tis Hazari Courts, Delhi (*hereinafter referred to as the 'Ld. JMFC/Ld. Trial Court'*), in case bearing, '*Sharda Devi Sanskrit Vidya Peeth v. Ganesh Ram Bhatt, Ct. Case No. 10342/2017*', emanating out of complaint case/complaint proceedings, filed in terms of Section 200 Cr.P.C., for the offences

under Sections 420/463/468/471/465/474/120B of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*). Pertinently, by virtue of the impugned order, the Ld. Trial Court, while taking cognizance of the offences under Sections 420, 468 and 471 IPC, *inter alia* issued summons against the revisionist herein.

2. Succinctly, the genesis of the present proceedings is a complaint filed by the complainant/respondent, Sharda Devi Sanskrit Vidya Peeth (*hereinafter referred to as the 'complainant/respondent'*) in terms of the provisions under Section 200 Cr.P.C. along with an application under Section 156(3) Cr.P.C., against the revisionist, namely, Ganesh Ram Bhatt (*'revisionist' for short*) and Manager/Principal, Shri. Gauri Shankar Baijnath, Gyan Jyoti Siksha Mandir, Vishwakarma Nagar (Mahuwariya), Tehsil Road, Mirzapur, Uttar Pradesh-231001 (*hereinafter referred to as the 'co-accused'*). Markedly, under the said complaint/application, the respondent *inter alia* proclaimed that the respondent/complainant was a Government aided School, registered with the Government as well as approved by the Delhi Government, operational since 1994. Correspondingly, as per the respondent, in the year, 1994, the revisionist approached the respondent School for his engagement to the post of Principal in the said School. During the course of his meeting/interaction with the managing committee of the respondent, the revisionist had shown/offered his School certificate and other study documents, assuring that he/the revisionist was duly qualified/competent for the said post. Correspondingly, the revisionist is proclaimed to have issued letter dated 06.08.1994 to the School for the purposes of said appointment, assuring the managing committee of the respondent at all stages that he/the revisionist was possessed of

sufficient experience/expertise for the post of Principal as he/the revisionist had already worked in another School, namely, Gyan Jyoti Siksha Mandir, Vishwakarma Nagar, Tehsil Road, Mirzapur-231001, Uttar Pradesh. At that point in time, the revisionist is further asserted to have produced his experience certificate to the concerned officials of the respondent, professing that the same was issued by co-accused, namely, Gauri Shankar Baijnath, Manager/Principal of Gyan Jyoti Siksha Mandir. Consequently, as per the respondent, based on the assurances and representations of the revisionist as well as being wary of the documents produced by him/the revisionist, respondent's managing committee agreed to appoint the revisionist as Principal in the revisionist School, whereupon the revisionist submitted his application and other documents, experience certificate, etc., with the respondent to enable his appointment process.

2.1. It was further chronicled under the respondent's complaint/application that the revisionist worked on the post of Principal of respondent's School, commencing from the year 1994 to year 2012, duly receiving salary and other benefits from the respondent. However, as per the respondent, certain complaints were received by the School from various persons, teachers, students, staff, etc., regarding revisionist's misbehavior and absence from duty, without any intimation/permission from the concerned authority. Thereupon, as per the respondent, the revisionist was warned on two-three occasions to mend his way of working, however, in vain. Correspondingly, as per the respondent, owing to the revisionist's conduct, the respondent School suffered grave loss of reputation in the eyes of its students, parents, staff and general public. In the meanwhile, however, it

was determined by the respondent from a scrutiny of revisionist's records that while the revisionist is exhibited to work at Mirzapur, U.P. in the years 1991 to 1994, whilst correspondingly, pursuing Master's in Arts (M.A., Regular) degree/course in Delhi, contrary to the prescribed rules and guidelines. Consequently, as per the respondent, in order to ascertain the veracity of revisionist's documents, the respondent School wrote letters to co-accused, however, to no avail. In fact, it was avowed by the respondent under its aforesaid complaint/application that despite repeated issuance of letters dated 06.06.2011 and 16.05.2011, co-accused deliberately opted not to tender any response/clarification on the aforesaid aspect(s).

2.2. Ergo, it is the case of the respondent that the revisionist, presented fake and forged documents to respondent School, while acting in collusion/connivance with co-accused, whereby obtaining long term employment with the said School. Correspondingly, as per the respondent, the revisionist further issued rental receipts with fake signature to obtain undue benefits, *i.e.*, to obtain house rent allowance from the respondent. In fact, as per the respondent, in case the revisionist had not demonstrated/presented his fake/forged experience certificate to the respondent School, the respondent would not have engaged the revisionist as a Principal at relevant point in time. Congruently, it was further avowed by the respondent under his complaint/application that the revisionist and co-accused, while acting in collusion with each other and in an unlawful manner, played a fraud on the respondent, causing wrongful loss the respondent and wrongful gain to themselves. Therefore, under said facts and circumstances, the respondent is asserted to have

approached various police officials/authorities, seeking redressal of his concerns/legal action against the revisionist and co-accused, however, to no avail. Consequently, considering the inaction/apathy of the concerned police officials to its plight, the respondent approached the Ld. Trial Court by means of the aforementioned complaint/application, seeking proper legal action against the revisionist and co-accused for (allegedly) having committed the offences under Sections 420, 463, 468, 471, 465, 474 IPS read with Section 120B IPC.

2.3. Remarkably, upon such complaint/application being filed, Ld. Trial Court *vide* order dated 19.08.2017, issued notice to the concerned Station House Officer/SHO, to file a report on the action taken on the respondent's complaint. Consequently, status reports came to be filed before the Ld. Trial Court on 10.10.2017, 21.12.2017, 27.11.2018 and 07.01.2019. Consequently, arguments were addressed by/on behalf of the respondent on the pending application under Section 156(3) Cr.P.C. However, the Ld. Trial Court *vide* order dated 01.04.2020, dismissed the respondent's application under Section 156(3) Cr.P.C., listing the matter for pre-summoning evidence. Apposite here to reproduce the relevant extracts from order dated 01.04.2020 of the Ld. Trial Court, as under;

*“*** Vide this order, the Court shall decide the application u/s 156 (3) CrPC moved by the complainant.*

*ATR was filed by the IO wherein it is stated that during the investigation, it was found that no experience certificate was issued to the accused Ganesh Ram Bhatt by Sh. Gauri Shankar Bajjnath, Gyan Jyoti Siksha Mandir Vishwakarma Nagar, Mirzapur, UP. Accused **was suspended from the services on 28.04.2011**. Accused Ganesh Ram Bhatt approached the Hon'ble High Court of Delhi for his suspension and the Hon'ble High Court of Delhi*

passed an order dated 11.07.2014 in his favour on the grounds that school management failed to take approval regarding the suspension from the Director of Education with the stipulated 15 days from the date of his suspension. On 14.10.2013, the school management terminated the accused from his services. The accused filed an appeal in Delhi School Tribunal against the orders of his termination. During the period, when the matter was pending in Hon'ble High Court of Delhi, the complainant school filed complaint against the accused Ganesh Ram Bhatt regarding the forged experience certificate. It is also revealed that the accused Ganesh Ram Bhatt also filed a complaint on 17.05.2012 against the Manager of complainant's school namely Madan Lal Gupta.

I have given my thoughtful consideration to the contentions of the complainant and have gone through the record as well as perused the report.

*The Law in respect of application U/s 156(3) Cr.PC is well settled. In the case of **Gulab Chand Upadhyay vs. State of UP. 2002 CrL LJ 2907**, it has been held as under: ****

*In **M/s. Skipper Beverages Pvt. Ltd. Vs. State 2001 IV AD (Delhi)**, it was held that:*

In the light of the facts and circumstances of the present complaint, there is no need to invoke section 156(3) Cr.P.C for issuing direction to register FIR against the respondents as:

1 The identity of alleged accused persons is ascertained.

2 No facts are needed to be unearthed as the same are well within the knowledge of the complainant.

3 Custodial interrogation of alleged accused persons is not necessary.

4 The evidence is well within the reach of complainant & no assistance of police is required to gather the same.

5 The facts of the case are not such that would warrant a detailed and complex investigations to be carried out by the State Agency.

It is also noticeable that the court may issue summons to any relevant witness/person/authority at the instance of Complainant for bringing on records full fact and material pertaining to the incident in question. Hence, there is no need for investigation by

the police u/s. 156(3) Cr. P.C in this case. In view of this, the present application of u/s 156(3) Cr.P.C. is dismissed. The complainant can lead his pre summoning evidence on his complaint under Section 200, Cr.P.C.

Be put up for PSE on ***”

(Emphasis supplied)

2.4. Subsequently, during the course of proceedings before the Ld. Trial Court, the respondent adduced Shri. Madan Lal as CW-1, being its authorized representative as well as witness. Thereafter, on 25.06.2024, pre-summoning evidence on behalf of the respondent was closed, with the recording of statement of the AR of the respondent and the matter was listed for consideration. Consequently, the Ld. Trial Court *vide* order dated 05.05.2025/impugned order, while considering the material brought forth on record as well as in light of the arguments/submissions made on behalf of the respondent, *inter alia* directed issuance of summons to the revisionist. Pertinent at this stage to reproduce the relevant extracts from the said order/impugned order dated 05.05.2025 of the Ld. Trial Court, as under;

“*** *Vide this order I shall decide whether the proposed accused as mentioned in the complaint are to be summoned as accused or not?*

In pre-summoning evidence, the complainant has examined CW-1 who has reiterated the avertments in the complaint on oath.

Heard arguments on the point of summoning. Record perused.

At the stage of summoning, satisfaction of the court should be whether a prima facie case has been made out against the proposed accused persons or not.

The enquiry cannot, therefore be reduced to a trial to see whether the proposed accused is guilty or not (Bal Raj Vs Moti Ram(1971) 399; S.S Khanna Vs Chief Secretary AIR 1983 SC 595). This question,

namely, whether there is a prima facie case for issuance of process is to be decided purely from the point of complainant without at all advertent to any defence that the accused might have (Ref: Nagwwa Vs Veeranna Shivlangappa AIR 1976 SC 1947). At this stage, the law does not required any adjudication to be made about the guilt or otherwise of the person against whom the complaint has been preferred. The expression 'Sufficient ground for proceeding' has been used in Section 203 and 204 Cr.PC, in the same context, and has, therefore, to be similarly interpreted i.e to mean 'the satisfaction that a prima facie case has been made out against the person accused, so as to justify the issue of process and not whether there was sufficient evidence for the purpose of conviction' (Rula Vs State of Bombay AIR 1958 SC 97).

In the present case, the complainant has alleged that the proposed accused Ganesh Ram Bhatt had submitted a forged experience certificate allegedly issued by Sh. Gauri Shankar Bajjnath, Gyan Jyoti, Siksha Mandir, Vishwakarma Nagar, Mirzapur, UP for the year 1991-1994. It was on the basis of this experience certificate that the proposed accused was appointed as principal in the year 1994. He had received salary and other benefits from the complainant school by virtue of this misrepresentation.

In order to constitute the offence of section 420 IPC, it is essential that there must be an inducement on part of the proposed accused. Perusal of the record shows that as per the enquiry conducted from Sh. Gauri Shankar Bajjnath, it was revealed that no experience certificate was issued by them in favour of the proposed accused, thereby, concluding that the proposed accused never had any experience of working as a principal in the said school.

He had submitted forged documents before the complainant school, thereby inducing them to appoint him as a principal in Sharda Devi Sanskrit Vidhyapeeth School. He received salaries and other benefit as the consequence of this misrepresentation. The complainant has categorically stated that the experience certificate, allegedly forged by the proposed accused, formed the basis for him securing the job at the complainant school. The alleged experience certificate on record has not been verified by the concerned school and prima facie appears to be forged. The proposed accused is the ultimate beneficiary of the said certificate. In view of the above

facts and circumstances, the actions of the proposed accused, prima facie come under the category of active inducement and committing forgery, thereby dishonestly deceiving the complainant to appoint him to the post of Principal and to part with salary and other benefits.

Therefore, the court deems it apposite to summon the accused, namely, Ganesh Ram Bhatt under section 420, 468, 471 IPC upon filing of PF within 7 days from today.

*Relist the matter for appearance of the accused on ***”*

(Emphasis supplied)

3. Ld. Counsel for the revisionist submitted that the impugned order was passed by the Ld. Trial Court on mere conjunctures, surmises and in contravention of the settled cannons of law, making the same liable to be outrightly set aside, as suffering with gross illegality. In this regard, Ld. Counsel further submitted that the impugned order was passed by the Ld. Trial Court on mere assumptions and that no sound and/or cogent reasons have been delineated under the said order. Even otherwise, it was submitted that the impugned order is unjustified and perverse, whist the Ld. Trial Court committed manifest error and failed to appreciate the material brought forth on record as well as settled judicial precedents. In this regard, Ld. Counsel for the revisionist outrightly asserted that while passing the impugned order, Ld. Trial Court failed to appreciate that as per the newly inserted proviso to Section 223 BNSS, it was obligatory on the part of the Ld. Trial Court to issue notice to the revisionist, before taking cognizance of the offences as well as issuing summons to the accused/revisionist. However, as per the Ld. Counsel, the Ld. Trial Court passed the impugned order in utter haste, unmindful of the statutory provisions and the objective behind the insertion of the said provision/proviso, under the statute books. In this regard,

it was further argued by the Ld. Counsel that though under the erstwhile provisions of law/Cr.P.C. framework, Ld. Magistrate was not obligated to hear an accused, prior to taking cognizance of the offence and issuing summons, however, the law has substantially changed with the introduction of the proviso to Section 223 BNSS. Ld. Counsel further submitted that after coming into force of BNSS, an accused is granted procedural safeguard through the requirement of being heard before Ld. Magistrate can take cognizance. As per the Ld. Counsel, such right of pre-cognizance hearing is an indefeasible right of an accused and cannot be circumvented in any situation. Nonetheless, it was argued that the revisionist was deprived of his said valuable right as the impugned order was passed by the Ld. Trial Court, unmindful of the said provisions, making the same, liable to be outrightly set aside as illegal and improper.

3.1. Ld. Counsel for the revisionist further submitted that the mandatory provision under Section 223 BNSS is applicable to all proceedings/complaint, pending adjudication even prior to the coming into force of BNSS on 01.07.2024, being a beneficial provision. As per the Ld. Counsel, law is trite that once pre-summoning evidence is led and when the court proceeds to apply its judicial mind for the first time in order to decide whether to take cognizance and summon an accused, it is obligatory upon such a court to issue a notice to the proposed accused in terms of Section 223 BNSS, irrespective of whether such a complaint was filed prior to subsequent to July, 2024. Correspondingly, it was argued by the Ld. Counsel that the saving provisions under Section 531 BNSS would apply only to pending investigation, appeal, application, trial or inquiry, and any cognizance after 01.07.2024,

would have to mandatorily abide by the provisions under Section 223 BNSS. Even otherwise, as per the Ld. Counsel, law is settled that beneficial procedural law is required to be applied retrospectively and any such applicability has not been excluded by virtue of the provisions under Section 531 BNSS. In this regard, while making reference to the decision of the Hon'ble Apex Court in *Inhuman Conditions in 1382 Prisons, In re, 2024 SCC Online SC 3596*, vehemently asserted that even the beneficial provision under Section 223 BNSS must be given retrospective application. As per the Ld. Counsel, under the instant case, the Hon'ble Apex Court, retrospectively conferred the benefit of the newly inserted provision under Section 479 BNSS, which reduces the maximum period of detention for undertrials from one-half to one-third, to all pending cases irrespective of the fact whether or not the same were registered, prior or subsequent to the coming in force of BNSS. Ergo, it was argued that considering the objective of the beneficial provision under Section 223 BNSS, similar analogy must apply in the present case. In this regard, Ld. Counsel reiterated that the superior courts have persistently avowed that when any amendment or enactment, confers certain benefits/right to an accused, such benefits must ensue/need to be applied and extended, retrospectively.

3.2. Ld. Counsel for the revisionist further submitted that the Ld. Trial Court failed to appreciate that in case opportunity as per law would have been afforded to the revisionist, the revisionist would have demonstrated from the material on record that no offence is made out against him and that no cognizance ought to be taken even on the basis of the material filed along with the respondent's complaint. Even otherwise, it was submitted by the

Ld. Counsel that impugned order is liable to be set aside even on merits as no reason has been assigned by the Ld. Trial Court under the impugned order, while summoning the revisionist. Correspondingly, it was submitted that while passing the said order, Ld. Trial Court did not consider that all the allegations levelled by the respondent are omnibus, baseless, concocted, vague and the complainant/respondent deployed criminal machinery only to browbeat and harass the revisionist, so as to subject to its illegal/unjust demands. Ergo, Ld. Counsel for the revisionist vehemently contended that the impugned order was passed by the Ld. Trial Court in contravention of legal provisions, settled judicial dictates as well as being unmindful of the material brought forth, making the same liable to be outrightly set aside. Consequently, it was entreated that the present revision petition be allowed and the impugned order, be consequently, set aside. In support of the said contentions, reliance was placed upon the decisions in; *Parvinder Singh v. Enforcement Directorate*, 2026 SCC Online SC 903; *Neena Aneja v. Jai Prakash Associates Ltd.*, (2022) 2 SCC 161; *Hitendra Vishnu Thakur v. State of Maharashtra & Ors.*, (1994) 4 SCC 602; *Trilok Chand v. State of H.P.*, (2020) 10 SCC 763; *T. Barai v. Henry Ah Hoe & Anr.*, (1983) 1 SCC 177; *Brand Protectors India (P) Ltd. v. Anil Kumar*, 2025 SCC Online Del 5046; *Aditya Krishna v. Directorate of Enforcement*, Crl. MC No. 3875/2025, dated 27.02.2026 (DHC); *Lakshay Vij v. Enforcement Directorate*, 2025 SCC Online Del 8285; *Abhishek Jain v. State of U.T Chandigarh & Ors*, CRM-M-31808/2024, dated 11.07.2024 (Hon'ble P&H High Court); *Sikander Singh v. Enforcement Directorate*, 2025 SCC Online P&H 13193; *Gurpreet Singh v. State of Punjab & Anr.*, CRM-M

32047/2024; Deepu & Ors. v. State of U.P., 2024 SCC Online All 4289; V.I. Thankappan v. State of Kerala, 2024 SCC Online Ker 5082; and Asha Mehta v. State of Rajasthan & Anr., SB Criminal Misc. (Pet.) No. 3208/2025, dated 21.05.2025 (Hon'ble High Court of Rajasthan).

4. *Per contra*, Ld. Counsel for the respondent submitted that the impugned order was passed by the Ld. Trial Court after due appreciation of the facts and circumstances of the present case and, as such, deserves no interference by this Court. It was further submitted that no irregularity, impropriety, or incorrectness can be attributed to the impugned order, which was passed by the Ld. Trial Court, cognizant of the principles of law, as well as wary of the facts and circumstances brought forth. In this regard, Ld. Counsel for the respondent outrightly submitted that as per the explicit terms of Section 531 BNSS, all proceedings initiated prior to coming into force of the provisions under BNSS would continue to be governed by Cr.P.C. and not under BNSS. Ergo, it was strenuously contended that the provisions under Section 223 BNSS do not have any applicability to the present case as the complaint was filed and pre-summoning evidence concluded prior to coming into force of the provisions under BNSS. It was further submitted that the present proceedings have been initiated solely to delay the adjudication of the respondent's complaint and to prejudice the respondent further. In so far as the aspect of merits of the case put forth by the complainant/respondent is concerned, Ld. Counsel for the respondent strenuously asserted that the veracity of the said allegations is subject matter of trial, which cannot be considered at the present stage of proceedings. Congruently, it was reiterated

that no illegality can be attributed to the impugned order, which was passed by the Ld. Trial Court, being wary of the material brought on record as well as of the judicial precedents governing the field of summons. Ergo, Ld. Counsel for the respondent prayed that the instant petition be outrightly dismissed. In support of the said contentions, reliance was placed upon the decisions in; *Garikapati Veeraya v. Subbiah Choudhry*, (1957) 1 SCC 180; *Kolhapur Canesugar Works Ltd. v. Union of India*, (2000) 2 SCC 536; *Ramesh Kumar Soni v. State of M.P.*, (2013) 14 SCC 696; and *Kushal Kumar Agarwal v. Enforcement Directorate*, 2025 SCC Online SC 1221.

5. The arguments of Ld. Counsel for the revisionist and that of Ld. Counsel for the respondent/complainant have been heard as well as the records, including the Ld. Trial Court records and other material brought forth, including the written submissions and case laws filed, thoroughly perused.

6. Before proceeding with the determination of the merits of the present case, this Court deems it apposite to outrightly observe that against the order dated 05.05.2025, the instant petition came to be filed only on 30.08.2025, 27 (twenty seven) days after the expiry of statutory prescribed period of limitation. However, in this regard, it has been asserted on behalf of the revisionist that the notice/summons of the present proceedings/complaint proceedings was received by the revisionist only on 09.06.2025. Correspondingly, it is asserted by/on behalf of the revisionist that subsequent to receipt of such intimation regarding the pendency of the aforementioned proceedings before the Ld. Trial Court, the revisionist entered appearance before the Ld. Trial Court on 10.06.2025 and consulted with his

legal counsel, whereupon the instant petition came to be filed before this Court. Ergo, Ld. Counsel for the revisionist argued that considering the date of revisionist's knowledge of the pendency of the aforementioned proceedings before the Ld. Trial Court only on 09.06.2025, filing of the present proceedings/revision petition on 30.08.2025, is within the statutory period of limitation. On the contrary, Ld. Counsel for the respondent asserted that the revisionist was well aware of the passing of the impugned order and that the revisionist has deliberately opted to file the present petition beyond the statutory prescribed period of limitation, disentitling him to claim any relief/indulgence from this Court.

7. Apropos, the present discussion, it would be relevant here to make a reference to Article 131 of the Schedule of the Limitation Act, 1963 (*hereinafter referred to as the 'Limitation Act'*), which prescribes a period of ninety (90) days from the date of order, sought to be revised, as a period of limitation for filing criminal revision. However, at this stage, this Court deems it pertinent to make a reference to the decision of the Hon'ble High Court of Delhi in *Rajesh Garg v. Tata Tea Ltd., 2011 SCC Online Del 891*, wherein the Hon'ble Court unambiguously noted that the period of limitation for filing of the revision petition would be counted/taken only from the date of knowledge of the order. Apposite here to reproduce the relevant extracts from the said decision, as under;

"16. Having heard learned counsels and considered the impugned order, as also the order passed by the learned ACMM in the light of the numerous precedents cited by the learned counsels, I am of the view that there is no merit in this petition and the same is liable to be dismissed. So far as the plea that the revision of the respondent was barred by limitation is concerned, the petitioner has not placed any material on record to suggest that the respondent

had notice or knowledge of the order passed by the learned ACMM. The respondent was not put to notice, or heard before passing of the order dated 22.12.2000. Even after its passing, the same was not communicated to the respondent. **The period of limitation of filing of the revision petition would begin to run only from the date of knowledge of the order against which the said revision was preferred.** As the respondent learnt of the order dated 22.12.2000 passed by the learned ACMM only on 19.03.2001, or 20.03.2001, the revision petition, which was preferred on 22/23.03.2001 cannot be said to be barred by limitation.”

(Emphasis supplied)

8. Ergo, in light of the above, when the records of the Ld. Trial Court are conscientiously evaluated it is noted that as per the report of execution of the summons issued against the revisionist by the Ld. Trial Court on 20.05.2025, pursuant to the impugned order, same were executed on the WhatsApp Id. of the revisionist only on 09.06.2025. Thereafter, as aforementioned, revisionist entered appearance before the Ld. Trial Court on 10.06.2025. Ergo, under such circumstances, the contention of Ld. Counsel for the revisionist that the notice/summons in terms of the impugned order were received by the revisionist only on 09.06.2025, whereupon the revisionist proceeded to file the instant petition on 30.08.2025, within the stator period of 90 (ninety) days from the date of knowledge of the said order, finds credence with this Court. Needless to mention that even during the course of present proceedings, nothing has been brought on record by/on behalf of the respondent to demonstrate that the revisionist was aware of the issuance of summons by the Ld. Trial Court in the instant case, prior to 09.06.2025, except for a mere assertion, unsupported by any material/evidence, failing to convince this Court of the same. Accordingly, counting the commencement of period of limitation in the instant case from 09.06.2025, this Court

9. Proceeding further, this Court deems it pertinent here to make a reference to the provisions under law law/Section 438 BNSS¹, as under;

(Emphasis supplied)

¹ ***Pari materia*** provision under Section 397 Cr.P.C., which provides, “***397. Calling for records to exercise of powers of revision—(1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court,*** and may, when calling for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.”^{***}Explanation - All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section and of Section 398.^{***}(2) The ***powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding...***” (Emphasis supplied)

reliance is placed upon the decision of the Hon'ble Supreme Court in ***Amit Kumar v. Ramesh Chander, (2012) 9 SCC 460***, wherein the Hon'ble Court while explicating the various contours of the provision under Section 397 Cr.P.C. (*pari materia* with Section 438 BNSS), observed as under:

“12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error and it may not be appropriate for the court to scrutinise the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.

13. Another well-accepted norm is that the revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice ex facie. Where the Court is dealing with the question as to whether the charge has been framed properly and in accordance with law in a given case, it may be reluctant to interfere in exercise of its revisional jurisdiction unless the case substantially falls within the categories aforesaid. Even framing of charge is a much advanced stage in the proceedings under the CrPC.”

(Emphasis supplied)

11. Similarly, the Hon'ble High Court of Delhi in ***V.K. Verma v. CBI, 2022 SCC Online Del 1192***, in a comparable situation, noted as under;

“67. The revisional jurisdiction is not meant to test the waters of what might happen in the trial. The Revisional Court has to consider the correctness, legality or propriety of any finding inter se an order and as to the regularity of the proceedings of the court below. While doing so, the Revisional Court does not dwell at length upon the facts and evidence of the case, rather it considers the material only to satisfy itself about the legality and propriety of the findings, sentence and order and refrains from substituting its own conclusion on an elaborate consideration of evidence. In the instant case, the Petitioner has failed to make out a case for exercise of the revisional jurisdiction since there is no patent error in the impugned order on the face of record.”

(Emphasis supplied)

12. Quite evidently, it may be noted from above that the revisional jurisdiction of the higher court is quite limited and cannot be exercised in a routine manner. In fact, as aforementioned, the revisional Court can interfere only in the instances where an order of trial court was passed, unjustly and unfairly. Further, it is a settled law² that trite law that in a case where the order of subordinate Court does not suffer from any illegality, “*merely because of equitable considerations, the revisional Court has no jurisdiction to re-consider the matter and pass a different order in a routine manner.*” Reference in this regard is made to the decision in *Taron Mohan v. State, 2021 SCC Online Del 312*, wherein the Hon’ble High Court of Delhi expounded as under;

“9. The scope of interference in a revision petition is extremely narrow. It is well settled that Section 397 CrPC gives the High Courts or the Sessions Courts jurisdiction to consider the correctness, legality or propriety of any finding inter se an order and as to the regularity of the proceedings of any inferior court. It is also well settled that while considering the legality, propriety or correctness of a finding or a conclusion, normally the revising court does not dwell at length upon the facts and evidence of the case. A court in revision considers the material only to satisfy itself about the legality and propriety of

² *Juned v. State of M.P., 2023 SCC OnLine MP 4458; and Dilip Damor v. State of M.P., 2024 SCC OnLine MP 958.*

(Emphasis supplied)

16. There are three categories of orders that a court can pass—final, intermediate and interlocutory. There is no doubt that in respect of a final order, a court can exercise its revision jurisdiction—that is in respect of a final order of acquittal or conviction. There is equally no doubt that in respect of an interlocutory order, the court cannot exercise its revision jurisdiction. As far as an intermediate order is concerned, the court can exercise its revision jurisdiction since it is not an interlocutory order.

³ *Dhariwal Tobacco Products Ltd. & Ors. v. State of Maharashtra & Anr.*, AIR 2009 SC 1032.

*orders are interlocutory in nature, but when an order taking cognizance and summoning an accused is reversed, it has the effect of terminating the proceedings against that person resulting in a final order in his or her favour. Similarly, an order for framing of charges if reversed has the effect of discharging the accused person and resulting in a final order in his or her favour. **Therefore, an intermediate order is one which if passed in a certain way, the proceedings would terminate but if passed in another way, the proceedings would continue.***

(Emphasis supplied)

14. Clearly, it is seen from above that the Hon'ble Apex Court in unambiguous terms noted that though the order taking cognizance and summoning an accused *prima facie* appear to be interlocutory in nature, however, when the said orders are reversed, it has the effect of terminating the proceedings against that person resulting in a final order in his or her favour, bringing them within the umbrella of '*intermediate order*' on which the bar envisaged under Section 397(2) Cr.P.C./Section 438(2) BNSS would not apply.

15. Ergo, being wary of the foregoing, this Court would now proceed with the determination of issue as to, '*whether the Ld. Trial Court committed any illegality, impropriety or irregularity, while passing the order dated 05.05.2025 inter alia summoning the revisionist, without first complying with the provisions under Section 223 BNSS?*'. In particular, to determine, '*whether it was incumbent on the Ld. Trial Court to first issue notice to the revisionist herein, before passing an order of summoning qua the revisionist on the respondent's complaint?*'. Relevantly, in order to deal with the said aspects/issues, this Court deems it pertinent to make a reference to provisions under Section 223 BNSS, which provides as under;

"223. Examination of complainant-(1) A Magistrate having jurisdiction while taking

cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate:

Provided that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard:

Provided further that when the complaint is made in writing, the Magistrate need not examine the complainant and the witnesses-

(a) if a public servant acting or purporting to act in the discharge of his official duties or a Court has made the complaint; or

(b) if the Magistrate makes over the case for inquiry or trial to another Magistrate under Section 212:

Provided also that if the Magistrate makes over the case to another Magistrate under Section 212 after examining the complainant and the witnesses, the latter Magistrate need not re-examine them.***”

(Emphasis supplied)

16. Notably, it is seen from a conscientious perusal of the aforementioned provision that the same is *pari materia* with the erstwhile provision under Section 200 Cr.P.C., with a distinction that the first proviso appended to Section 223 (1) BNSS *inter alia* provides that no cognizance of an offence on a complaint, “*shall be taken by the Magistrate without giving the accused an opportunity of being heard*”. Evidently, the said proviso envisages and mandates for the issuance of a pre-cognizance notice/hearing to an accused, which was not available in the corresponding provision under Section 200 Cr.P.C. Markedly, the objective behind the introduction of said provision, being noted by the superior courts⁴ to be aimed towards justice orientation, at the same time, taking care of, “*any legitimate defence of the accused*”, at an earliest stage. Reference in this regard is made to the decision

⁴ *Mohd. Afzal Beigh v. Noor Hussain*, 2025 SCC Online J&K 394.

of the Hon'ble Supreme Court in *Parvinder Singh v. Enforcement Directorate, (Supra.)* wherein the Hon'ble Court, termed the said proviso, appended to Section 223 BNSS to be substantive in nature, conferring a right on an accused to be heard before taking cognizance. In fact, while holding the said provision to form a part of accused's right to fair trial as enshrined under Article 21 of the Constitution of India, termed it to be mandatory in nature, non-compliance of which, was held to render a proceeding *void ab initio*. Correspondingly, the Hon'ble Court further explicated that the mandatory compliance of the said provision/proviso would not only be indispensable in proceedings initiated, subsequent to the coming into force of BNSS, rather, even on the pending complaints, where cognizance has not yet been taken by court. Apposite in this regard to reproduce the relevant extracts of the said dictate, as under;

"26. Section 223 of the BNSS deals with the examination of a complainant. The first proviso to Section 223(1) of the BNSS prohibits the Magistrate from taking cognizance of an offence, unless the accused is given an opportunity of being heard.

27. Though Chapter XVI of the BNSS lays down the procedural law dealing with complaints made to a Magistrate, we hold that the aforesaid proviso is substantive in nature, as it does not merely regulate the manner in which the proceedings are to be conducted, rather it confers a right upon the accused to be heard before taking cognizance which forms a part of the right of an accused to a fair trial enshrined under Article 21 of the Constitution of India. We further hold that the word "shall" occurring in the said proviso has to be construed to be mandatory in nature, which enures to the benefit of an accused. Resultantly, cognizance of an offence taken by a Court without due compliance of the aforestated proviso would be void ab initio.

37. As already discussed, though the complaint under the PMLA was filed earlier, the cognizance was only taken subsequently, on 02.07.2024, by which time the BNSS had come into force. Admittedly, the

appellant has not been heard at the time of taking cognizance. The mandate of a legislation which ensures the right of an accused to a fair trial, whose liberty is at stake, cannot be dispensed with. Thus, the contention of the learned ASG that prejudice caused due to non-hearing at the stage of cognizance will have to be shown by the accused cannot be accepted, as it is not a mere irregularity that would attract either Section 506 or 511 of the BNSS, but is an illegality that would vitiate the very proceedings.”

(Emphasis supplied)

17. Congruently, reference is made to the decision in ***Sikander Singh v. Enforcement Directorate, (Supra.)***, wherein the Hon’ble Punjab and Haryana High Court, in an akin context, observed that right of hearing is one of the most cherished rights in the criminal jurisprudence, embedded in the principles of natural justice as well as being a part of Articles 14 and 21 of the Constitution. Ergo, it was held by the Hon’ble Court that the benefit, which enure in favour of an accused, with the introduction of first proviso to Section 223(1) BNSS, would also be applicable in pending complaints, initiated prior to 01.07.2024, *i.e.*, the date of coming into force of BNSS. Pertinent at this stage to reproduce the relevant extracts of the said decision, as under;

“8. There is another aspect of the matter, and the provision of Section 223 BNSS needs to be considered in the light of ‘rule of beneficial construction’ of a statute. The provision provides a right of hearing to the accused before issuing of process against him by the Court, which is not provided under Section 200 Cr.P.C. The two provisions, Section 200 Cr.P.C. and Section 223 BNSS, are *pari materia* except the first proviso to latter which has created a new procedure for taking cognizance only after giving an opportunity of hearing to the accused. Issuing process of a criminal offence has serious repercussions for the accused, and that is the reason the Legislature deemed it appropriate to provide prior hearing to the person sought to be summoned. **The right of hearing is one of the most cherished rights in the criminal jurisprudence, and is embedded in the Principles of**

Natural Justice permeating to the Constitutional scheme of things, especially Articles 14 and 21 guaranteeing the right to fair trial. Therefore, there is no reason why the benefit of hearing should not be afforded to the accused after coming into force of the BNSS, even if complaint against him has been technically filed before coming into force of the BNSS on 01.07.2024. The interests of justice and fair trial require the right should be given in such cases by applying the rule of beneficial construction of statute, as the provisions of Section 200 Cr.P.C. and 223 BNSS, meant for taking cognizance of offence on a complaint, are not in contravention of each other and only the procedure of taking cognizance has been varied to the limited extent of providing prior hearing to the accused.”

(Emphasis supplied)

18. In so far as the stage when such right of hearing would enure in favour of an accused, in particular, the stage of cognizance in a complaint case is concerned, superior courts have persistently avowed that such a stage of taking cognizance would occur only after examining the complainant and witnesses and not earlier, immediately on filing of complaint. Reference in this regard is made to the decision in ***Sashidhar Jagdishan v. State of Maharashtra, 2025 SCC Online Bom 2928***, wherein the Hon’ble High Court of Bombay explicated the law in the following terms;

“21. As interpreted by various High Courts and rightly so the stage of taking cognizance would occur only after examining the Complainant and witnesses and not earlier immediately on filing of complaint. So if we consider the chronology, it shows that after filing of complaint there has to be verification of the Complainant and witnesses and when prior to decision on taking cognizance is taken, the accused needs to be heard. Hearing the accused cannot be interpreted prior to recording the verification and the statement of witnesses if any. For these reason I am unable to accept the submission of Mr. Ponda.”

(Emphasis supplied)

19. Correspondingly, reference in respect of the foregoing is made to the decision of the Hon’ble High Court of

Delhi in *Brand Protectors India (P) Ltd. v. Anil Kumar, (Supra.)*, wherein the Hon'ble Court in an akin context, remarked as under;

“20. While under the erstwhile Section 200 Cr. P.C. and S. 202 Cr. P.C. (which are para materia with Section 223 and 225 of BNSS), it was clear that till the stage of Cognizance, the Accused had no role and it is only after the Cognizance was taken that summons were issued to the Accused. However, under the BNSS, there is a marked change as a procedural safeguard has been incorporated by way of first proviso to S. 223 (1) BNSS which mandates that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard.

21. On this change in the BNSS, the Calcutta High Court in *Tutu Ghosh v. Enforcement Directorate*, 2025 LiveLaw (Cal) 174, has observed that the Legislature, in its wisdom, has deliberately introduced the first proviso to Section 223, thereby conferring on the accused the right to have an opportunity of hearing at the pre-cognizance stage, despite the Legislature being obviously aware of the subsequent stages of a proceeding and criminal trial where a right of hearing is again given to the accused.

22. The Coordinate Bench of this Court in *Neeti Sharma v. Saranjit Singh* 2025 DHC 2367, has observed that the first proviso to Section 223(1) of BNSS puts an embargo on the power of the Court to take Cognizance upon a Complaint, by providing that no Cognizance of an Offence shall be taken by the Magistrate without giving the accused an opportunity of being heard. This proviso marks a substantive procedural safeguard that did not exist under the earlier regime.

27. Section 223 provides that “while taking cognizance of an offence on Complaint the Court shall examine upon oath the Complainant and the witnesses present”.

28. The words “while taking cognizance of an offence” clearly indicate that at the time of taking cognizance, first the witnesses present need to be mandatorily examined on oath. This aspect is further supported by Section 225 which deals with postponement of issue of process. It states that any Magistrate on receipt of Complaint may postpone issue of process against the Accused and can direct an investigation to be made by a Police Officer or by such

other person as he thinks fit and may take evidence of witnesses on oath.

29. This reinforces that it is prior to taking Cognizance on the Complaint that the witnesses are required to be examined. The objective is evident that the recording of the statement of the Complainant/witnesses is to ensure the authenticity of the allegations made in the Complaint. It is only when the Magistrate is fully satisfied with the averments made in the Complaint and that it discloses a cognizable offence that the second stage of taking cognizance would arise. The purpose of recording of the statement of the Complainant/witnesses is only to satisfy that the allegations/averments made in the Complaint prima facie disclose a cognizable offence. This procedure, in fact, is for the protection of the accused from being summoned on frivolous Complaints.

30. The procedure to be followed on filing of the Complaint under Section 200 Cr. P.C. (now Section 223 BNSS) was discussed by the Supreme Court in *Ram Das v. Shri Niwas Nair* (1984) 2 SCC. It was explained that when a private Complaint is filed, the Complainant has to be examined on oath except when it is a public servant. After examining the complainant on oath and the witnesses present, it would be open to the Court to judicially determine whether the case is made out for issuing process. When it is said that the Court issues process, it means that the Court has taken cognizance of the offence and has decided to initiate the proceedings and as a visible manifestation of taking cognizance, process is issued which means that the accused is called upon to appear before the Court. A reference was also made to Section 200 and Section 202 Cr. P.C. to observe that the power to take cognizance can be postponed and an enquiry be held under 202 and an enquiry or investigation by a Police Officer can be directed to decide whether there is sufficient grounds for proceeding. The matter is left to the judicial discretion of the Court whether to examine the Complainant and the witnesses if any as contemplated under Section 200 Cr. P.C. or to postpone the issue of process and seek further investigations by the police or any other person.”

(Emphasis supplied)

20. Similarly, reference is made to the decision of the Hon’ble High Court of Allahabad in ***Prateek Agarwal v. State of***

U.P., 2024 SCC Online All 8212, wherein the Hon'ble Court expressed similar sentimentalities, in the following terms;

“8. Proviso of Sub Section (1) of Section 223 of the B.N.S.S. mandates that a Magistrate while taking cognizance of an offence, on a complaint, shall examine upon oath, the complainant and the witnesses present, if any, and reduce it into writing. The Proviso further mandates that no cognizance of an offence shall be taken by the Magistrate without giving an opportunity to the accused of being heard. Section 227 of the B.N.S.S. deals with the issuance of process which is akin to Section 204 of the Cr.P.C.

9. Relevant part of the order dated 27.9.2024 passed in Criminal Petition No.7526 of 2024 (Sri Basanagouda R. Patil v. Sri Shivananda S. Patil) passed by High Court of Karnataka is as under:-

“8. The obfuscation generated in the case at hand is with regard to interpretation of Section 223 of the BNSS, as to whether on presentation of the complaint, notice should be issued to the accused, without recording sworn statement of the complainant, or notice should be issued to the accused after recording the sworn statement, as the mandate of the statute is, while taking cognizance of an offence the complainant shall be examined on oath. The proviso mandates that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard.

9. To steer clear the obfuscation, it is necessary to notice the language deployed therein. The Magistrate while taking cognizance of an offence should have with him the statement on oath of the complainant and if any witnesses are present, their statements. The taking of cognizance under Section 223 of the BNSS would come after the recording of the sworn statement, at that juncture a notice is required to be sent to the accused, as the proviso mandates grant of an opportunity of being heard.”

10. Therefore, the procedural drill would be this way: A complaint is presented before the Magistrate under Section 223 of the BNSS; on presentation of the complaint, it would be the duty of the Magistrate/concerned Court to examine the complainant on oath, which would be his sworn statement and examine the witnesses present if any, and the substance of such examination should be

reduced into writing. The question of taking of cognizance would not arise at this juncture. The magistrate has to, in terms of the proviso, issue a notice to the accused who is given an opportunity of being heard. Therefore, notice shall be issued to the accused at that stage and after hearing the accused, take cognizance and regulate its procedure thereafter.

11. The proviso indicates that an accused should have an opportunity of being heard. Opportunity of being heard would not mean an empty formality. Therefore, the notice that is sent to the accused in terms of proviso to subsection (1) of Section 223 of the BNSS shall append to it the complaint; the sworn statement; statement of witnesses if any, for the accused to appear and submit his case before taking of cognizance. In the considered view of this Court, it is the clear purport of Section 223 of BNSS 2023.”

(Emphasis supplied)

21. Quite evidently, it is seen from a conspectus of foregoing, it is observed that the superior courts have persistently avowed that stage of cognizance would arise only once pre-summoning evidence is recorded, *i.e.*, after examination of the complainant as well as the witnesses, if any and not prior thereto.

22. Ergo, being wary of the principles noted herein, this Court deems it appropriate to consider the arguments raised on behalf of Ld. Counsel for the revisionist and that by Ld. Counsel for the respondent. As aforementioned, one of the primary contentions on behalf of/ by the Ld. Counsel for the revisionist is that the impugned order was passed by the Ld. Trial Court, in an extremely cavalier manner, unconcerted with the correct factual scenario and in gross violation of the mandatory provisions under Section 223 BNSS. On the contrary, as aforementioned, Ld. Counsel for the respondent asserted that the provisions envisaged under the proviso to Section 223(1) BNSS would not be applicable to the complaint initiated prior to coming in force of BNSS. However, the contention of the Ld. Counsel for the respondent that there

was no requirement to afford accused, a right of pre-cognizance hearing in the instant case, fails to impress this Court in view of the decisions in *Parvinder Singh v. Enforcement Directorate, (Supra.)* and *Sikander Singh v. Enforcement Directorate, (Supra.)*. Needless in this regard to reiterate that the superior courts have persistently avowed that the right conferred in favour of an accused under the said proviso is in a nature of substantive right, in tandem with the principles of natural justice and the right to fair trial, envisaged under Articles 14 and 21 of the Constitution. In fact, as aforementioned the superior courts have not only held that such a right to be applicable even to pending complaint, initiated prior to coming of force of BNSS, rather, its has been unambiguously reiterated that cognizance of an offence taken, in violation of the said provision would render the entire proceedings *void ab initio*.

23. As aforementioned, in the instant case, though the complaint proceedings/application under Section 156(3) Cr.P.C. were initiated before the Ld. Trial Court on 19.08.2017, prior to the coming into force of the provisions under BNSS, however, the impugned order came to be passed only on 05.05.2025, by which time BNSS was in force *w.e.f.* 01.07.2024. Needless to mention subsequent to the closure of pre-summoning evidence on behalf of the respondent on 25.06.2024, it was incumbent on the Ld. Trial Court to issue notice to the revisionist in terms of the provisions under Section 223 BNSS, before the order of revisionist's summoning was passed on 05.05.2025, in light of the aforementioned judicial dictates. However, as aforementioned, such mandatory provision under Section 223 BNSS was not complied with by the Ld. Trial Court, while passing the impugned order, making the impugned order liable to be outrightly set aside, in view of the

foregoing discussion. Needless to reiterate that the mandatory and beneficial provisions under proviso to Section 223 BNSS are even applicable to pending criminal complaints, where order of cognizance/summoning is passed subsequent to the coming into force of BNSS.

24. Conclusively, in light of the foregoing discussion, this Court reiterates that the impugned order was passed by the Ld. Trial Court, mechanically and without due application of judicial mind as well as oblivious of the legal provisions and settled judicial dictates. Needless to further reiterate that in the considered opinion of this Court, the impugned order was passed by the Ld. Trial Court in violation of the mandatory provisions under Section 223 BNSS, making the same liable to set aside the same at the outset.

25. Accordingly, in the considered opinion of this Court, the present revision petition deserves to be allowed for the reasons, herein noted, and is consequently, ***allowed***. Consequently, the order dated 05.05.2025 passed by Ld. JMFC-08, Central, Tis Hazari Courts, Delhi, in case bearing, '***Sharda Devi Sanskrit Vidya Peeth v. Ganesh Ram Bhatt, Ct. Case No. 10342/2017***', *inter alia* issuing summons against the revisionist, namely, Ganesh Ram Bhatt, is hereby ***set aside***, as being passed in violation of the mandatory provisions under Section 223 BNSS. Consequently, the case is remanded to the Ld. Trial Court to re-consider the issue of cognizance ***afresh***, by complying with the mandatory provision under Section 223 BNSS and ***to pass reasoned/speaking order*** on the basis of material placed on record, in light of the observations made herein. Apposite at this stage for this Court to further note that, though, it/this Court holds highest regard for the decisions

relied upon by Ld. Counsel for the respondent, however, the same would not, in the considered opinion of this Court, come to the aid/rescue of the case put forth by the respondent in the manner as prayed for, as the facts and circumstances of the present case are clearly, distinguishable.

26. **Trial Court Record** along with a **copy of this order/judgment** be sent to the Ld. Trial Court, with directions to proceed as per law. Needless at this stage to note that nothing stated hereinabove shall be construed as opinion on final outcome of the case and the same shall be decided in accordance with law.

27. Revision file be **consigned to record room** after due compliance.

**Announced in the open Court
on 30.06.2026.**

(Abhishek Goyal)
ASJ-03, Central District,
Tis Hazari Courts, Delhi.