

**IN THE COURT OF MS. TWINKLE WADHWA,
ADDITIONAL SESSIONS JUDGE-02(NE),
KARKARDOOMA COURTS, DELHI.**

Cr. No. 44/2026

**Sh. Anil
S/o Sh. Balraj
R/o 54, Near Bada Brej Bazar
Bhatagaon Malian (196), Sonipat,
Haryana, 131022**

...Revisionist

Versus

**State of NCT of Delhi
PS Sonia Vihar
Through Ld. Addl PP**

...Respondent

Date of assignment	:	01.04.2026
Date of Arguments	:	01.04.2026
Date of Pronouncement	:	04.06.2026

ORDER

1. The present revision has been filed against the order of Ld. Trial Court dated 17.10.2022 wherein order on charge was passed.

2. It is submitted that the case of the prosecution is that accused Anil was to appear for an exam on 28.12.2018, however, he hatched a conspiracy with co-accused Praveen who was to appear in examination center in his place to give the exam. The accused Praveen was caught at the examination center where he impersonated himself as Anil and was giving exam on behalf of Anil.

3. It is alleged in the revision that in the order passed by Ld. Trial Court on charge, the Ld. Trial Court interchanged the role of the accused persons and consequently passed an incorrect order which is unsustainable in the eyes of

law. It is submitted that there are patent factual defect which go to the root of the matter and order on charge cannot be sustained.

4. It is argued that as per prosecution case, it was co-accused Praveen who was sitting in place of Anil in examination center and not vise-versa and hence the present revision is filed whereby requesting the court to set-aside the order on charge.

Arguments and Findings

5. I have heard the arguments on application filed for condonation of delay.

6. In view of the submissions and reasons mentioned in the application, it is allowed and delay is condoned.

7. I have also heard arguments on revision petition and perused the record.

8. The perusal of order on charge dated 17.10.2022 would show that Ld. Trial Court has correctly noted the facts of the case except the name of two accused persons have been inadvertently interchanged. Inadvertent interchange of names of two accused in the order appears to be an accidental drafting error. The material collected during investigation, read as a whole, clearly disclose the role attributed to each accused.

9. As of now only one police official PW-1 has been examined who has deposed in accordance with the case of prosecution. PW-2 & PW-3 are formal witnesses. Hence perusal of Trial Court Record shows that no prejudice has been caused to accused. The impugned order cannot be set-aside merely on account of such clerical mistake. The

appropriate course would be correction of the accidental slip so as to bring the order in conformity with the record. Unless error goes to the root of the observation recorded by the Ld. Trial Court while framing the charge, no failure of justice can be said to have occurred.

10. Hence it appears that the observations regarding the facts of the case made by Ld. Trial Court is correct but only the names of two accused have been interchanged.

Conclusion

11. In view of above discussion, it is hereby directed that the word “*Ani*” be read as “*Praveen*” and word “*Praveen*” be read as “*Ani*” in the order on charge dated 17.10.2022. Also Ld. Trial Court is directed to frame the charge afresh after making corrections in the name of accused persons. The trial shall proceed from the stage it is going on. The revision petition is accordingly disposed off.

**Announced in open court
today on 04.06.2026**

**(TWINKLE WADHWA)
Additional Sessions Judge-02
(NE): Karkardooma Courts, Delhi**