

IN THE COURT OF MS. VANDANA,
ADDITIONAL SESSIONS JUDGE-02, NORTH DISTRICT,
ROHINI COURTS, DELHI

Cr. Rev. No.28/2026

Kalactar Singh Shakya
S/o late Sh. Nihal Singh Shakya,
R/o A-4/49, 2nd Floor, Sector-15,
Rohini, New Delhi-110089

.....Revisionist

Versus

1. **The State (NCT of Delhi)**
Through Public Prosecutor,
Rohini Courts, Delhi.

2. **Devendra Singh Shakya**
S/o Chandrabhan Singh Shakya,
R/o Chamber No. 102, C.L. Joseph Block,
Near Post Office Lane, Tis Hazari Court,
Delhi-110054

.....Respondents

Date of Institution : 02.02.2026

Arguments concluded on : 20.04.2026

Date of Order : 20.04.2026

ORDER

1. Present revision petition is filed under Section 438 read with section 440 of BNSS against the order dated 04.11.2025 (hereinafter referred to as impugned order) passed by Ld. JMFC, North, vide which, the complaint under section 200 Cr.P.C. was dismissed.

2.1 Brief facts of the case are that native place of the complainant is Raja ka Rampur, situated in Uttar Pradesh and Mr. Yogender Singh Shakya/brother of the accused also belongs to

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native place of the complainant. They know each other for many years. Mr. Yogender and his wife Shailja had matrimonial disputes from a long time and in this context, family members of Mr. Yogender requested the complainant to counsel the matter between Mr. Yogender and his wife. In fact, wife of Mr. Yogender has also called the complainant for the help to settle the matrimonial disputes. On the request of Mr. Yogender and his wife and their family members, complainant decided to intervene in the matter and he made a call to Mr. Yogender and requested him for a meeting at his residence to settle the matter on 01.10.2021.

2.2 On 01.10.2021, Mr. Yogender Singh came to the residence of complainant and complainant tried his best to settle the matter amicably. But, Mr. Yogender got aggressive and started beating the complainant with his helmet on the head of the complainant. Complainant was saved by his neighbour namely Mr. Sudeep and a 100 number call was also done. Thereafter, Mr. Yogender ran away from the spot and one NCR was registered bearing no. 84/2021 dated 03.10.2021 in PS K.N Katju Marg. Rohini Delhi-110089.

2.3. On 07.03.2022, complainant was present in Rohini Court for the purpose of attending his second motion in the court of Sh. Sandeep Jindal, Ld. Principal Judge Family Court Rohini. After attending the second motion, when complainant was going towards the Star Lite Apartment Gate, where bike of the complainant was parked, three unknown person in advocate uniform came there and started abusing the complainant One of

them has told his name as Devender Singh Shakya and he was the real brother of Mr. Yogender. That accused persons forcefully took thumb impression of the complainant on 4-5 blank paper and also snatched Aadhar Card and mobile phone containing two SIM of the complainant.

3. Thereafter, complainant / appellant filed complaint under section 200 Cr.P.C. alongwith an application under section 156(3) Cr.P.C. Vide order dated 18.09.2023, the application under section 156 (3) Cr.P.C. was dismissed and complainant was given an opportunity to lead Pre Summoning Evidence.

4. During Pre Summoning Evidence, the complainant got himself examined as CW-1.

5. On the basis of evidence and material available on record, Ld. JMFC dismissed the complaint under section 200 Cr.P.C.

6. The above said impugned order has been challenged on the following grounds:

(i) That Ld. Trial Court observed there was "not a single piece of evidence." This is factually incorrect. The Petitioner had placed on record the Tax Invoice of the snatched mobile phone (Vivo V20). The allegations of snatching/theft of specific property with a verifiable IMEI number required an investigation by the police to trace the location of the device. Dismissing the complaint without ordering such an investigation is a miscarriage of justice.

(ii) That the Ld. Trial Court failed to consider that the Petitioner had proactively applied for CCTV preservation vide

application dated 23.03.2022. The reply from PWD dated 06.04.2022 confirming the lapse of footage proves that the evidence did exist but was lost solely due to the delay in registration of FIR by the police. The benefit of this loss of evidence should not go to the Accused at the pre-summoning stage.

(iii) That it is settled law that at the stage of Section 200 Cr.P.C., the Magistrate is not required to evaluate evidence to the standard of "proof beyond reasonable doubt" required for conviction. The sworn testimony of the victim, identifying the accused (Respondent No. 2 gave his own visiting card), coupled with the proof of ownership of the stolen property, was sufficient to summon the accused.

(iv) That the Ld. Trial Court confused the two incidents. While the first incident 01.10.2021 was not under P.S. K.N. Katju Marg, but the subject matter of the complaint was the incident of 07.03.2022 which occurred at Star Lite Apartments/Rohini Court Gate. This falls squarely within the territorial jurisdiction of the Rohini Courts and P.S. Prashant Vihar. The dismissal of the entire complaint based on the jurisdiction of the historical background incident is an error of law.

(v) That the allegations involve the snatching of a mobile phone and forcible taking of thumb impressions by a legal practitioner (Accused) within the vicinity of the Court complex. These acts constitute serious cognizable offences under Sections 379A, 384, 342, and 323 IPC. Such matters cannot be dismissed summarily without a proper police investigation.

7. On the basis of the above, prayer has been made to set aside the impugned order.

8. As regards the powers of revision U/s 397 Cr.P.C the Hon'ble Supreme Court in the latest judgment dated 17.02.2022 in the case of **Directorate of enforcement Vs. Gagandeep Singh 2022 SCC online Delhi 514** has reiterated the law that:

“the provision of revision in Cr.P.C. suggests that the court shall limit itself to the findings sentence or order pass by the subordinate court, against which the revisionists is seeking relief before the court concerned and shall not go beyond the analysis and observations made by the subordinate court.”

Section 397 Cr.P.C. unequivocally states that the High Court and Sessions Courts which is exercising its revisional jurisdiction shall apprise itself solely of the question of correctness, legality and propriety of the order of the subordinate court.

The Hon'ble Supreme Court in ***Directorate of enforcement Vs. Gagandeep Singh (supra)*** again emphasised that:

“in its revisional jurisdiction court will not proceed into the enquiry of the records, documents and other evidence in consideration before the Trial Court but shall constrain itself to

the findings of the lower court in the impugned order and to the question whether there is any patent, illegality, error apparent on record or incorrectness.”

9. At first, the revisionist has rightly pointed out that he filed the complaint bearing no. 709/2022 is regarding incident of 07.03.2022 and not pertaining to the incident of 01.10.2021, hence, as such, there is no question of “territorial jurisdiction” arises in the given facts.

10. Further on merits, the complainant has alleged that after attending the second motion, when complainant was going towards the Star Lite Apartment Gate, where bike of the complainant was parked, three unknown person in advocate uniform came there and started abusing the complainant. One of them told his name as Devender Singh Shakya, who was the real brother of Mr. Yogender. That accused persons forcefully took thumb impression of the complainant on 4-5 blank paper and also snatched Aadhar Card and mobile phone containing two SIM of the complainant.

11. The complainant was given liberty to lead PSE to support his allegations, whereby, he only examined himself as CW-1. He did not examine any other single independent witness who has witnessed the alleged incident, neither he placed on record any CCTV footage of the alleged incident.

12. Forget about the CCTV footage, he did not even make a call to PCR at 112 which is a general reaction of the complainants in each and every case, but in the present case, no

such call was ever made.

13. Further, the invoice of which complainant has relied upon does not belong to him, rather, it pertains to “molecule pharma”. The complainant remained fail to produce any document which can establish the fact that the above said averments belongs to him. It is relevant to note here that the said invoice was not even filed before the Ld. Trial court, rather, it was filed only in appeal, but no application was filed on record for taking the said document on record.

14. Apart from the above, the complainant has alleged that he was given beatings by the accused persons, but no MLC was placed on record which must have been easily available to him.

15. In view of the above observation, observing that there is no infirmity or illegality in the order dated 04.11.2025 and the same is upheld, accordingly. The revision petition being devoid of any merits and it is **dismissed** accordingly.

16. TCR, if any be sent back to the concerned court with copy of this order.

17. Revision file be consigned to record room after due compliance.

**Pronounced in open
Court on 20.04.2026**

**(VANDANA)
ADDITIONAL SESSIONS JUDGE-02,
NORTH DISTRICT,
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