

**IN THE COURT OF SH. PREM KUMAR BARTHWAL
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH DISTRICT: ROHINI COURTS: DELHI**

CNR No. DLNT01-002383-2026

Crl. Rev. No. 43/2026

Rajeev Bhalla

S/o Late Sh. Darshan Lal Bhalla

R/o H. No. 3588-A, Hanuman Mandir Road,

Raja Park, Shakurbasti, Delhi

.....Revisionist

Vs.

State (NCT of Delhi)

.....Respondent

Date of institution : 26.02.2026

Date of arguments : 14.07.2026

Date of Order : 18.07.2026

ORDER

Vide the instant revision petition, the revisional jurisdiction of this court has been invoked by the revisionist assailing the order of the Ld. Trial Court dated 01.07.2025 passed in Misc. Crl. No. 52/2024 titled 'State Vs. Rajeev Bhalla' whereby the Ld. Trial Court took the cognizance of the offence u/s 506 IPC as per Section 210 BNSS against the revisionist/ accused and in pursuant thereto, has issued summons to the revisionist/accused.

2. According to the revisionist, a complaint was filed under section 506 IPC by the respondent before Ld. JMFC bearing Misc. Crl. 52/2024 vide NCR No. 59 of 2024 alleging that on 23.03.2024 when the complainant Anil Kumar was waiting for attending his Civil Suit No. 357 of 2023 in front of Court No. 317, Rohini Courts, Delhi, the revisionist, Rajeev Bhalla came there and abused him in presence

of respondent's counsel and asked the respondent to withdraw the case filed against him. After enquiry into the complaint, an NCR No. 59/2024 was lodged at PS Prashant Vihar and copy thereof was supplied to the complainant. The complainant Anil Kumar moved an application before the Ld. JMFC under section 155 Cr.P.C. wherein the IO was directed to investigate the matter and file status report by the court of Ld. MM-04 (North), Rohini, Delhi on 02.04.2024. Thereafter, charge sheet/final report was filed before Ld. JMFC-04, North, Rohini on 15.07.2024 and the Ld. Trial Court passed the impugned order dated 01.07.2025 taking cognizance of offence u/s 506 IPC and summoned the revisionist.

3. Aggrieved against the abovementioned impugned order, the revisionist accused has preferred the present revision petition on 26.02.2026 on the grounds that the impugned order is based on surmises and conjectures; that neither the complainant nor his counsel had complained to the court of Shri Rakesh Kumar Singh, Ld. ADJ, North-West regarding the said incidence although they had appeared in the said court on the day of incidence; that allegations were made against the persons who were not even present at that time; that no emergency call was made by complainant or his counsel and no public witness was produced to support the allegations despite the fact that numerous litigants were present in the court. It is submitted that the impugned order has been passed in a mechanical manner and the same is liable to be set aside.

4. I have heard Ld. counsel for the revisionist and Ld. Addl. PP for the State/respondent and have also gone through the material

placed on record, considered the rival contentions and the relevant case law.

5. At the outset, it is pertinent to mention that the present revision petition was filed on 24.02.2026, whereas the impugned order was passed on 01.07.2025. No application for condonation of delay in filing the present revision petition has been filed by the revisionist. For ready reference Section 5 of The Limitation Act, is reproduced herein below:

Section 5 The Limitation Act : Extension of prescribed period in certain cases.

Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation : The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.

6. From the bare reading of the Section, it is clear that the delay can be condoned provided “Sufficient Cause” is shown by the revisionist for not being able to file the revision within the limitation, but the delay has to be explained day by day.

7. In the case of *Maniben Devraj Shah Versus Municipal Corporation of Brihan Mumbai, in Civil Appeal Nos. 2970-2971 of 2012*, the Hon’ble Apex Court has referred to the judgment, i.e. *N. Balakrishnan Vs. M. Krishnamurthy*, decided by the Hon’ble Supreme Court of India on 03.09.1998, and has held that:-

“It is axiomatic that condonation of delay is a matter of discretion of the court. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter, acceptability of the explanation is the only criterion. Sometimes delay of the shortest range may be uncondonable due to a want of acceptable explanation whereas in certain other cases, delay of a very long range can be condoned as the explanation thereof is satisfactory. Once the court accepts the explanation as sufficient, it is the result of positive exercise of discretion

8. In the case of *Popat Bahiru Govardhane Etc. Vs. Special Land Acquisition Officer & Anr. in Civil Appeal Nos. 6976-6980 of 2013, decided by the Hon’ble Supreme Court of India on 22.08.2013*, the Hon’ble Apex Court has observed as under:

“It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same. The legal maxim “*dura lex sed lex*” which means “the law is hard but it is the law”, stands attracted in such a situation...”

9. From the cumulative reading of all the judgments, it is clear that though the court should adopt a liberal and reasonable approach while adjudicating upon the application for condonation of delay in filing of the appeal or revision where the applicant is able to show “Sufficient Cause” for not being able to file the revision, within the limitation prescribed. It is axiomatic that “Sufficient Cause”, which is required to be explained day by day, should not be laced with gross negligence, deliberate inaction or something akin to misconduct as the same would dis-entitle the appellant/revisionist, from seeking indulgence of the court.

10. In this backdrop, when the case in hand is adverted to, and the TCR is scrutinized, it is found that the revisionist has not filed any application u/s 5 of The Limitation Act for condonation of delay in filing the instant revision. The impugned order is dated 01.07.2025 and the same could have been challenged in revision within 90 days. The Ld. counsel for revisionist has argued that the revisionist came to know about impugned order on 03.11.2025. However, no date of knowledge about impugned order has been mentioned in entire revision petition. Perusal of report of summons available in the records of Ld. JMFC reveals that the revisionist was served on 30.10.2025. Meaning thereby, on 30.10.2025 the revisionist was aware of passing of impugned order dated 01.07.2025 and the revision petition ought to have been filed by 30.01.2026 but the same was filed on 24.02.2026. Once the order comes into the knowledge of any litigant, it is for him to make preparation for filing of the revision promptly against summoning order. Furthermore, the Ld. Counsel for the revisionist has not explained as to why the application for condonation of delay was not filed along with the present revision petition. The conduct of the revisionist is that of negligence and callousness which is evident that neither any application for condonation of delay nor anything regarding filing of the present revision within prescribed period limitation is mentioned in the entire revision petition. Pertinently, the Ld. counsel for the revisionist had conceded for framing of charge on 20.05.2026 before the Ld. JMFC-04, North, Rohini Courts, Delhi. Therefore, it does not inspire any confidence of the court that the revisionist was aggrieved against the impugned order of cognizance and summoning on 01.07.2025.

Beneficial legislation are more often than not misused by the litigants taking the courts for granted. The courts are constituted to impart justice and justice cannot be subservient to procedural legislation which are being belatedly misused by the litigants.

11. In considered opinion of this court, the present case does not fall within the ambit of the cases in which discretion needs to be exercised in favour of the revisionist. No “Sufficient Cause” has been shown by the revisionist as to why the revision was not filed within the period of limitation. No good explanation what to talk of sufficient cause has been detailed during the course of arguments. After weighing the factual situation and the fact that during arguments the Ld. counsel for the revisionist has not bothered to explain the delay in filing the revision, the revisionist is not entitled to benefit of condonation of delay, envisaged u/s 5 of Limitation Act. Therefore, I find no merits on aspect of condonation of delay. Therefore, the present revision petition is time barred. Consequently, the present revision petition is hereby dismissed being time barred.

12. Nothing expressed herein, shall tantamount, to any expression on the merits of the case.

13. Trial Court Record be sent back along with a copy of this order. The revision petition file be consigned to Record Room.

Announced in the open court
today on 18th day of July 2026

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge
North District/Rohini Courts/Delhi (d)