

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

CNR No.: DLCT01-018986-2025
CRIMINAL REVISION No.: 690/2025

NANDLAL D SONS,
Through its proprietor,
Shri. Jalaj Gaba,
2650, Bank Street,
Karol Bagh, Delhi-110005.

... REVISIONIST/
PETITIONER

VERSUS

1. **M/s. HIGH AIM GEMS**,
Through its proprietor,
Shop No. 6. 2519/20,
2nd Floor, Diamond Plaza Building,
Gali No. 7, Beadon Pura,
Karol Bagh, Delhi-110005.

2. **MANOJ KUMAR MISHRA**,
Proprietor of M/s. High Aim Gems,
Shop No. 6. 2519/20,
2nd Floor, Diamond Plaza Building,
Gali No. 7, Beadon Pura,
Karol Bagh, Delhi-110005.
Also at: 6A/2, Ground Floor,
WEA Karol Bagh,
Opp. Sankat Mochan Hanuman Mandir,
Karol Bagh, Delhi-110005.

... RESPONDENTS

Date of filing	:	08.12.2024
Date of institution	:	09.12.2024
Date when judgment was reserved	:	23.01.2025
Date when judgment is pronounced	:	31.01.2026

JUDGMENT

1. The present revision petition has been filed under Sections 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*)/*pari materia* to Sections 397 of the Code of Criminal Procedure, 1973 (*hereinafter, referred to as*

‘Cr.P.C./Code’), against the order dated 04.10.2024 (*hereinafter referred to as ‘impugned order’*), passed by learned Judicial Magistrate First Class (NI Act)-02/Ld. JMFC (NI Act)-02, Central Tis Hazari Courts, Delhi (*hereinafter referred to as ‘Ld. Trial Court/Ld. JMFC’*) in case bearing, *‘Nand Lal Singh v. M/s. High Aim Gems, Ct. Case No. 12190/2017’*, in a complaint proceeding under Section 200 Cr.P.C. read with Section 138 of the Negotiable Instruments Act, 1881 (*hereinafter referred to as the ‘NI Act’*). Pertinently, by virtue of the impugned order, the Ld. Trial Court dismissed the said complaint for non-prosecution and non-appearance of the revisionist/complainant. Significantly, by means of the present revision petition, the revisionist has *inter alia* sought setting aside of the said order dated 04.10.2024/impugned order, passed by the Ld. Trial Court and restoration of the said complaint to its original number and stage/position.

2. Briefly, the genesis of the present proceedings is the complaint, filed by the revisionist before the Ld. Trial Court in terms of the provisions under Section 200 Cr.P.C. read with Section 138 of the NI Act. Under the said complaint, the revisionist *inter alia* contended that the revisionist was engaged in the business of diamond jewellery and real birth stones from his shop based in Karol Bagh at the relevant point in time. It was further chronicled under the revisionist’s complaint that the respondent used to visit his shop as well as showed keen interest in the revisionist’s business. As per the revisionist, the respondent(s) is/are asserted to have professed to be operating their business under the name of ‘High Aim Gems’, and expressed demand of goods, *i.e.*, diamond and birth stone. The revisionist further avowed under his complaint that he informed the respondent that it would not be possible for the revisionist to supply/deliver any

such articles without any security. However, as per the revisionist, subsequently, based on the repeated assurances/insistence of the respondent(s), the revisionist succumbed to the demands of the respondent(s). Consequently, on 08.02.2017, pursuant to the demand raised by the respondent(s) *inter alia* to the effect that they were acquainted with a prospective buyer, the revisionist visited the shop of the respondent(s) with goods worth Rs. 19,00,000/- (Rupees Nineteen Lakhs only).

2.1. It is further the case of the revisionist that on the instructions of the respondent(s), the revisionist handed over the goods to the respondent(s) against voucher bearing no. 505, dated 08.02.2017, under the acknowledgment of respondent(s) and waited outside the respondents' shop in response. As per the revisionist, thereafter, despite repeated enquiries/endeavors of the revisionist, the respondent(s) neither corresponded with the revisionist nor returned the goods. On the contrary, as per the revisionist, the respondent(s) made himself completely inaccessible and did not return the revisionist's goods, leading to the revisionist's registering a complaint at PS. Karol Bagh, against the respondent(s) on 20.05.2017 *vide* DD No. 698. Congruently, as per the revisionist, it was only subsequently that the respondent issued a cheque bearing no. 967332, dated 07.05.2017 for a sum of Rs. 18,52,224/- (Rupees Eighteen Lakhs Fifty Two Thousand Two Hundred and Twenty Four only) drawn on UCO Bank, Pitampura, Delhi (*hereinafter referred to as the 'cheque in question/dishonoured cheque'*), in favour of the revisionist against the discharge of his/their debt and/or liability. As per the revisionist, at the time of issuance of the said cheque, the revisionist duly objected the date mentioned on the said cheque. However, the respondent(s) is asserted to have assured the

revisionist at that point in time that the said cheque would be honoured on its presentation. Consequently, believing on the assurances of the respondent as well as on the respondent's directions, the revisionist presented the said cheque for encashment with its banker. However, the said cheque was returned dishonoured under the remarks, '*Funds Insufficient vide* cheque return memo dated 01.08.2017. Ergo, the revisionist is asserted to have issued a legal demand notice/notice dated 26.08.2017 (*hereinafter referred to as the 'legal demand notice/demand notice'*) to the respondent(s) *inter alia* seeking payment of the dishonoured cheque amount. Markedly, the complaint further records that the said notice was duly received by the respondent(s), despite which, neither the same was replied by the respondent(s), nor any payment made, leading to the filing of the said complaint by the revisionist before the Ld. Trial Court.

2.2. Markedly, upon such complaint being filed and upon the revisionist's tendering pre-summoning evidence, the Ld. Trial Court *vide* its order dated 21.11.2017, took cognizance of the offence under Section 138 NI Act and issued summons against the respondent(s). Consequently, upon the respondent's entering appearance and upon arguments on notice having been addressed, Ld. Trial Court *vide* order dated 30.08.2019, framed notice under Section 251 Cr.P.C. against the respondent for the offence under Section 138 NI Act. Corresponding, admission-denial of certain documents, in terms of the provisions under Section 294 Cr.P.C., was conducted on 30.08.2019. Subsequently, the matter was listed for cross-examination of the revisionist. Thereafter, the matter was listed for conclusion of complainant's evidence/CE on 30.11.2019, 28.02.2020, 22.10.2020, 24.02.2021, 26.07.2021, 15.09.2021, 04.01.2022, 19.04.2022, 25.08.2022, 21.11.2022, 13.03.2023,

07.08.2023, 08.01.2024, 09.05.2024, 28.09.2024 and 04.10.2024. Markedly, on 04.10.2024, neither the revisionist nor the respondent entered appearance, in person or through their respective counsel, before the Ld. Trial Court, leading to the Ld. Trial Court, dismissing the said complaint and acquitting the respondent(s)/accused *vide* order of the even date/order dated 04.10.2024/impugned order, *inter alia* under the following observations;

“...04.10.2024

Present: None for complainant.

None for accused.

Previous cost of Rs.5,000/- is outstanding upon complainant

*Perusal of the record reveals that **there is no appearance on behalf of the complainant since the last several dates of hearing. Even today, there is no appearance on behalf of complainant.***

*The **present complaint is dismissed for non-prosecution under Section 256 Cr.PC. The accused is acquitted.** Bail bonds, if any, stand cancelled Surety/Sureties are discharged. Endorsement on documents of surety, if any, be cancelled. Original documents of surety, if any, be returned against due acknowledgment.*

File be consigned to Record Room after due compliance...”

(Emphasis supplied)

3. Ld. Counsel for the revisionist outrightly contended that the impugned order was passed by the Ld. Trial Court without properly appreciating the facts of the present case as well as by wrongly applying the law. Further, as per the Ld. Counsel, the impugned order is wrong and contrary to settled law and has been passed by the Ld. Trial Court, in extreme haste as well as mechanically, without due application of mind to the factual and legal position. As per the Ld. Counsel, Ld. Trial Court, while passing the order of dismissal of the complaint failed to consider

that the absence of the revisionist and/or the Ld. Counsel for the revisionist before the Ld. Trial Court was neither intentional nor deliberate, rather, attributed to *bona fide* reasons. In this regard, Ld. Counsel fervently asserted that the revisionist was duly pursuing his instant complaint through a counsel, before the Ld. Trial Court. As per the Ld. Counsel for the revisionist, the revisionist was persistently informed by his counsel that the instant complaint was being duly pursued by him on behalf of the revisionist. However, solely due to the fault of the erstwhile counsel of the revisionist, the instant complaint came to be dismissed, due to no fault/omission on the part of the revisionist. Ld. Counsel for the revisionist further submitted in this regard that whenever the revisionist enquired from his erstwhile counsel about the status of the said complaint proceedings, the previous counsel used to assure that the proceedings were proceeding smoothly. However, it was only after some time that the said counsel of the revisionist, started ignoring revisionist's calls, constraining the revisionist to engage a new counsel. In fact, as per the Ld. Counsel, it was only on 20.11.2025 that the present counsel of the revisionist came to know that the revisionist's complaint was dismissed by the Ld. Trial Court for non-prosecution *vide* order dated 04.10.2024 as previous counsel of the complainant was not appearing before the Ld. Trial Court.

3.1. Ld. Counsel for the revisionist further contended that the erstwhile counsel for the revisionist, did not pursue the complaint properly before the Ld. Trial Court and did not even apprise the revisionist of the dismissal of said complaint. As per the Ld. Counsel, the revisionist was of the stern belief/unyielding opinion that his counsel would properly/diligently pursue his complaint. However, it was only when the revisionist made

enquiry though another counsel of the status of the complaint proceedings, it came to the knowledge of the revisionist that the said proceedings were dismissed for non-prosecution, despite no fault on the part of the revisionist. In this regard, Ld. Counsel further asserted that there was no fault/omission on the part of the revisionist and the faults/omissions on the part of his counsel, cannot be attributed to the revisionist. However, while passing the impugned order, as per the Ld. Counsel, the Ld. Trial Court failed to appreciate the said facts and wrongly dismissed the revisionist's complaint, to the grave prejudice of the revisionist.

3.2. Ld. Counsel for the revisionist further submitted that the Ld. Trial Court, while passing the impugned order, failed to consider that there was no reason for the revisionist not to appear before the Ld. Trial Court or being not to be interested in pursuing the complaint proceedings, especially when the deliberate conduct of respondent led to causing loss to the revisionist. In this regard, Ld. Counsel further reiterated that the revisionist was not only ill-advised by his earlier counsel regarding the proceedings before the Ld. Trial Court, rather, the revisionist further stands grossly prejudiced by the conduct of his erstwhile counsel. As per the Ld. Counsel, in case the present petition is not allowed and the complaint proceedings, not restored to its original status/position, grave irreparable loss would result to the revisionist. In contrast, it was submitted that no loss would accrue to the respondent(s) in case the relief as sought for in the instant petition is permitted, considering that the proceedings in complaint case were still at nascent stage prior to the passing of impugned order. Accordingly, Ld. Counsel fervently asserted that the Ld. Trial Court passed the impugned order, oblivious of the facts of the present case, settled judicial precedents as well as legal provisions, deserving the same

to be set aside at the outset.

4. The arguments of Ld. Counsel for the revisionist have been heard as well as the record(s), including the Trial Court record(s), thoroughly perused.

5. Before proceeding further with the determination of the rival contentions of parties, *i.e.*, Ld. Counsel for the revisionist and Ld. Addl. PP for the State, this deems it apposite to outrightly refer and reproduce the provisions under law/Section 438 BNSS¹, as under;

“438. Calling for records to exercise 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 his own bond or bail bond pending the examination of the record.

(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)

6. Pertinently, from a perusal of the aforesaid provision, it is quite manifest that the revisional jurisdiction of this Court can be agitated either *suo motu* or an application of the parties only in the instances where there is a palpable error, non-

¹ *Pari materia* provision under Section 397 Cr.P.C., which provides, “**397. Calling for records to exercise 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)

compliance of the provision of law, decision of Trial Court being completely erroneous or where the judicial decision is exercised arbitrarily. In this regard, 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...**”*

(Emphasis supplied)

7. Analogously, the Hon'ble High Court of Delhi in ***V.K. Verma v. CBI, 2022 SCC Online Del 1192***, in a similar context 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)

8. 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 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 reconsider 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 the law, 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 the findings, sentence and order and refrains from substituting its own conclusion on an elaborate consideration of evidence...”

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)

9. Ergo, in light of the foregoing discussion, the question that outrightly falls for consideration before this Court pertains to the maintainability of the present revision petition against the impugned order, dismissing the revisionist's complaint for non-prosecution, post summons were issued against the respondent. In other words, this Court has to determine, '*whether the dismissal of the revisionist's complaint, after summoning of the respondent/accused can be challenged by way of a criminal revision?*'. However, in order to deal with the said issue, this Court deems it pertinent to reproduce the relevant provisions under law/Cr.P.C. (as in vogue at the time, when the impugned order came to be passed), as under;

“204³. Issue of process- (4) When by any law for the time being in force any process-fees or other fees are payable, no process shall be issued until the fees are paid and, if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint.******

256⁴. Non-appearance or death of complainant- (1) If the summons has been issued on complaint, and on the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks it proper to adjourn the hearing of the case to some other day:

Provided that where the complainant is represented by a pleader or by the officer conducting the prosecution or where the Magistrate is of opinion that the personal attendance of the complainant is not necessary, the Magistrate may, dispense with his attendance and proceed with the case.

(2) The provisions of sub-section (1) shall, so far as may be, apply also to cases where the non-appearance of the complainant is due to his death.

³ *Pari materia* with Section 227 BNSS.

⁴ *Pari materia* with Section 279 BNSS.

(Emphasis supplied)

10. Markedly, it is seen from above that Cr.P.C. envisages a situation of dismissal of criminal complaint for the reason(s) of non-payment/deposit of process fees or other fees, within a reasonable time, under Section 204 thereof (*pari materia* with Section 227 BNSS). In contrast, Section 256 Cr.P.C. (*pari materia* with Section 279 BNSS) envisions a situation where the summons have been issued on the complaint and on the date appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not enter appearance, either in person or through complainant's appointed counsel. Under such situation, law/Section 256 Cr.P.C./Section 279 BNSS, confers power on the court/Magistrate to acquit such an accused. Unmistakably, the difference between the said two provisions is quite apparent, wherein while the former provision deals with a situation prior to the summoning of an accused, in contrast, the latter provision deals with a case, subsequent to issuance of such summons. Here, this Court deems it apposite to make a reference to the decision of the Hon'ble High Court of Delhi in ***Kalpna Tyagi v. Sneh Lata Sharma, 2003 (68) DRJ 14: 2003 Cri. LJ 3395***, wherein the Hon'ble Court, while expounding the appropriate legal recourse, available in the forenoted two situations, remarked as under;

“8. A distinction, therefore, has to be drawn in regard to the complaints dismissed prior to the summoning of an accused and those dismissed subsequent to the summoning of the accused if a complaint is dismissed prior to the summoning of an accused the order may be challenged by way of filing a revision but once Section 256 comes into play, the dismissal of a complaint has the effect of acquittal of an accused and only an appeal can be filed under Section 378 of the Code to challenge his acquittal.”

(Emphasis supplied)

11. Correspondingly, the Hon'ble High Court of Himachal Pradesh in *H.P. Agro Industries Corporation Ltd. v. M.P.S. Chawla*, (1998) 92 Comp. Cas 686 (HP): (1997) 2 Crimes 591 (H&P): 1996 SCC Online HP 54, noted in akin context, as under;

“12. There is no denying that the *dismissal of the complaint in default under Section 256 of the Criminal Procedure Code, entails the acquittal of the accused. Once an accused has been acquitted of the offence, the law provides a remedy by way of an appeal against the order of acquittal. Once a remedy by way of appeal is available to the petitioner under Section 378(4) of the Criminal Procedure Code, on the failure of the petitioner to avail of such a remedy, this court is not to exercise the inherent powers for interfering with the impugned order...*”

(Emphasis supplied)

12. Ergo, in light of the foregoing, when the facts of the present case are conscientiously analysed, it is observed that the Ld. Trial Court under its order dated 30.11.2029 duly noted that the matter was listed for conclusion of CE. Further, as aforementioned, the matter was duly taken up before the Ld. Trial Court on 28.02.2020, 22.10.2020, 24.02.2021, 26.07.2021, 15.09.2021, 04.01.2022, 19.04.2022, 25.08.2022, 21.11.2022, 13.03.2023, 07.08.2023, 08.01.2024, 09.05.2024, 28.09.2024 and 04.10.2024, for the said purpose, *i.e.*, conclusion of CE. However, it is seen from a conscientious perusal of the records of the Ld. Trial Court that on 09.05.2024, 28.09.2024 and 04.10.2024, neither the revisionist was present, nor was he represented by any counsel, leading to the dismissing of the complaint and consequent, acquittal of the respondent in the said complaint proceedings on 04.10.2023/impugned order. Quite evidently, it is seen in light of the above that once the summons were issued against the respondent by the Ld. Trial Court, whereupon the respondent

entered appearance and the matter was listed for CE, the eventual dismissal of the revisionist's complaint for non-prosecution and non-appearance, amounts to an order under Section 256 Cr.P.C./Section 279 BNSS. Needless to mention that by virtue of the provisions under Section 143 NI Act, provisions under Section 256 Cr.P.C. (*pari materia* provisions under Section 279 BNSS) are squarely applicable to the present case. Correspondingly, as hereinunder noted, the impugned order explicitly records a finding of acquittal of the respondent/accused herein. Accordingly, in view of the foregoing facts and circumstances, legal provisions as well as judicial precedents cited herein, this Court unambiguously records that the present revision petition, against the said order/impugned order is not maintainable because the effect of the impugned order was that of respondent's acquittal and, as aforementioned, such an order cannot, in the considered opinion of this Court, be challenged by way of criminal revision.

13. As a concluding remark, this Court deems it apposite to note that against the order dated 04.10.2024/impugned order, the present revision petition was preferred by the revisionist only on 08.12.2025, admittedly after a delay of 335 (three hundred and thirty five) days. Apposite to outrightly note that as per Article 131 of the Schedule of the Limitation Act, 1963 (*hereinafter referred to as the 'Limitation Act'*), a period of 90 (ninety) days, from the date of the order sought to be challenged, has been prescribed as the statutory period of limitation. Markedly, in the application under Section 5 of the Limitation Act, accompanying to the present revision petition, Ld. Counsel for the revisionist has entreated for condonation of delay of delay of said period, *i.e.*, delay of 335 (three hundred and thirty five) days in preferring the instant revision petition, *inter alia* averring as under;

“...2. That whenever the petitioner used to ask the previous counsel about the case status, the previous counsel used to say that it is going well and the petitioner need not to worry.

3. That after sometime the previous counsel started ignoring the calls of the petitioner and therefore, the petitioner engaged a new counsel. That on 20.11.2025, the present counsel through E-courts application came to know that the Ld. Trial Court has dismissed the matter for non-prosecution vide order dated 04.10.2024 as previous counsel of the complainant was not appearing before the Hon'ble Court.

4. That due to misguidance by the previous counsel, the appellant was unaware of the impugned order dated 04.10.2024 whereby Ld. Trial Court had dismissed the complaint.

5. That only on 20.11.2025, the petitioner came to know about the dismissal of complaint after present counsel checked the status of the case online.

6. That the delay in filing the present revision is due to the facts and circumstances stated above and therefore, the present application is bona fide and in interest of justice.

PRAYER:

It is therefore humbly prayed before this Hon'ble Court to be pleased to:

a) Condone the Delay of 335 days in filing the present revision, and

b) Pass any other Order as this Hon'ble Court may deem fit and proper with the facts and circumstances of the present case...”

(Emphasis supplied)

14. Clearly, it is seen from above that the Ld. Counsel for the revisionist/revisionist has attributed the delay to the ill-advised and non-appearance of the revisionist's earlier counsel, leading to delay. In respect of the foregoing, this Court deems it pertinent to note that it is conscious of the repeated avowals of the superior courts that there is no presumption under law⁵ that the delay in approaching courts was deliberate on the part of the

⁵ *J.M. Ramachandra & Sons v. Customs Excise & Gold (Control) Appellate Tribunal*, 2001 SCC OnLine Del 1082.

litigant and that the courts are advised to adopt a pragmatic, justice-oriented approach, in variance to, technical interpretation while considering an entreaty for condonation of delay. However, this Court is further conscious that the superior courts have also persistently avowed⁶ that an application for condonation of delay, *“should be drafted with careful concern and not in a haphazard manner harbouring the notion that the courts are required to condone delay on the bedrock of the principle that adjudication of a lis on merits is seminal to justice dispensation system.”* As a corollary, application for condonation of delay, which is drafted in an extremely casual manner so as to even be bereft of material particulars, besides failing to disclose sufficient cause such as a bald statement that it was only on 20.11.2025 that the status of proceedings before the Ld. Trial Court could be determined, so as to bring the instant petition within the period of limitation, cannot, in the considered opinion of this Court be considered to be sufficient cause for condonation of delay. Ergo, in light of the said principles, when the reasons for condonation of delay are scrupulously analyzed, this Court reiterates that it finds itself difficult to be convinced that the Ld. Counsel for the revisionist/revisionist has been able to make out ‘sufficient cause’ for not timely preferring the revision. Needless to note that not only under either of the applications any date, time or particulars of the revisionist’s approaching the new counsel or that of the last date when the revisionist contacted his erstwhile counsel for the status of the proceedings or that of any endeavor taken to determine the fate of proceedings by either the revisionist of the Ld. Counsel, at any point in time, prior to 20.11.2025,

⁶ *Esha Bhattacharjee v. Raghunathpur Nafar Academy*, (2013) 12 SCC 649.

forthcoming, nor are any documents filed along with the instant application, so as to demonstrate any *bona fide* on the part of the revisionist herein. Clearly, the application has been drafted with utmost casual approach, failing to demonstrate any reasonable/justifiable cause, convincing this Court to grant any relief or indulgence in favour of the revisionist, even on the aspect of delay/limitation.

15. Consequently, in light of the foregoing discussion and keeping in view the aforementioned judicial precedents, law as well as the submissions addressed before this Court, this Court unambiguously reiterates that the order dated 04.10.2024 passed by Ld. JMFC (NI Act)-02, Central Tis Hazari Courts, Delhi in case bearing, '*Nand Lal Singh v. M/s. High Aim Gems, Ct. Case No. 12190/2017*', dismissing the revisionist's complaint for non-prosecution and non-appearance is not amenable to the revisional jurisdiction of this Court, for the aforesaid reasons, besides, as hereinunder noted, the revisionist has failed to convince this Court to grant any relaxation in favour of the revisionist, even on the aspect of delay. Accordingly, in light of the above, this Court unambiguously observes that present revision petition deserves to be dismissed and is hereby *dismissed*, as not maintainable as well as on the aspect of limitation/delay.

16. **Trial Court Record** be **sent back** along with a **copy of this order**.

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

**Announced in the open Court
on 31.01.2026.**

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