

IN THE COURT OF MS. SURABHI SHARMA VATS:
ADDITIONAL SESSIONS JUDGE-04: SHAHDARA:
KARKARDOOMA COURT: DELHI.

Crl. Revision No. 62/2026

Sanjeev Kapoor
S/o Lt. Sh. P.L. Kapoor,
R/o H.No. 65, Jacranda Marg,
DLF-II, Gurugram, Haryana

..... Revisionist

Versus

Vikas Sharma
S/o Sh. Chander Shekar,
R/o 88/10, Shiv Mandir,
Gali No. 10, Maujpur,
Delhi- 110053

..... Respondent

Date of institution: 16.03.2026
Date of reserving order: 17.04.2026
Date of order: 17.04.2026

ORDER

1. Present Revision Petition has been filed under Section 438 read with Section 439 BNSS, 2023 against the impugned order dated 15.12.2025 passed by Ld. JMFC (NI Act), Shahdara, Karkardooma Courts, Delhi (*hereinafter referred to as Ld. Trial Court*) whereby, the application of the revisionist/accused moved under Section 348 BNSS was dismissed by the Ld. Trial Court.

2. Being aggrieved, Revisionist has filed the present revision petition mainly on the grounds that the Ld. Trial Court failed to consider that the absence of the accused/revisionist or his Counsel on the dates of hearing was mainly due to the bonafide reasons and due unavoidable

circumstances; that the Ld. Trial Court failed to consider that the delay in the case was on the part of the respondent/complainant himself and was not attributable to the revisionist/accused; that the Ld. Trial Court has failed to consider that denial of the opportunity to cross-examine the complainant amounts to denial of the fair trial.

3. Ld. Counsel for the revisionist has submitted that on 07.08.2025, the revisionist/accused sought an adjournment due to non-availability of his Counsel; on 27.08.2024, the Aunty (Tai Ji) of the revisionist/accused had passed away in Ahmedabad, Gujarat and the revisionist/accused had gone there, therefore, exemption was moved on his behalf; on 16.01.2025, the revisionist/accused alongwith his Counsel and surety appeared before the Ld. Trial Court, however, the matter got adjourned on the very first call; on 04.04.2025, the revisionist/accused was not well and exemption application was allowed; thereafter, on 07.08.2025, the right to cross-examination of the revisionist/accused was closed since, the Counsel for the revisionist/ accused failed to appear before the Court as he was unwell.

It is argued by the Ld. Counsel for the revisionist that the absence of the revisionist/accused or his Counsel on the dates of hearing was not intentional but due to the unavoidable circumstances; that right of the accused to defend himself and to cross-examine the complainant is a valuable and fundamental aspect of a fair trial, therefore, if the impugned order is not set aside and the right of cross-examination is not restored, the Revisionist would suffer irreparable loss and prejudice. Accordingly, it is prayed that the impugned order dated 15.12.2025 be

set aside and the right of the revisionist/accused to cross-examine the complainant be restored in the interest of justice.

4. Ld. Counsel for respondent has opposed the present Revision Petition while submitting that respondent has failed to point out any error or irregularity in the impugned order dated 15.12.2025; that sufficient opportunity was granted to the revisionist/accused for cross-examination before closing his right.

5. At the very outset, this Court deems it apt to dwell upon the scope of Revisional Jurisdiction of this Court.

In the judgment titled as ‘**Amit Kapoor Vs. Ramesh Chander**’, Crl. Appeal No. 1407 of 2012 (Arising out of SLP (Crl.) No.1516 of 2010) decided on 13.09.2012, the Hon’ble Supreme Court of India has observed that :-

“8.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 scrutinize the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law.....

6. The Hon’ble Apex Court in ‘**New India Assurance Co. Ltd. Vs. Krishna Kumar Pandey**’, Crl. Appeal No.1852 of 2019 decided on 06.12.2019, made the following observations :

"8. The scope of the revisional jurisdiction of the High Court (or Sessions Court) under Section 397 Cr.P.C, is limited to the extent of satisfying itself as to the correctness, legality or

propriety of any finding, sentence or order passed by an inferior Court. The revisional Court is entitled to look into the regularity of any proceeding before an inferior Court. As reiterated by this Court in a number of cases, the purpose of this revisional power is to set right a patent defect or an error of jurisdiction or law."

7. In this regard, it would also be apt to quote another judgment of **Taron Mohan v. State & Anr, Criminal Rev. Petition 646/2018, decided on 25.01.2021**, wherein Hon'ble Delhi High Court has observed 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."

8. The precise purpose of Revision is to examine the correctness, legality and propriety of the order in question and to set right a patent defect or an error of jurisdiction or law. Needless to say, that the power of revision needs to be exercised fairly, rationally and judiciously in order to put right any manifest error of law or jurisdiction.

9. Perusal of the impugned order dated 15.12.2025 vide which the Ld. Trial Court dismissed the application of the revisionist/accused moved under Section 348 BNSS in case titled as

‘*Vikash Sharma Vs. Sanjeev Kapoor*’ in CT Case 1405/2019 while making the following observations:-

“... 8. It is pertinent to note that the complaint was instituted in the year 2019. On 01.03.2024, the accused was granted an opportunity for examination of the complainant under Section 145(2), NI Act. On the next date of hearing, i.e., 27.08.2024, an adjournment was sought on behalf of the accused, and an exemption was also moved on his behalf.

9. Thereafter, on 16.01.2025, a last and final opportunity was given to the accused for cross-examination as none appeared for the accused on the first call in the matter.

10. Thereafter, again, on 04.04.2025, adjournment was granted owing to the absence of the accused, and again a last and final opportunity was granted to the accused, with a strict warning that his right would be otherwise closed on NDOH.

11. The matter was thereafter listed on 07.08.2025, and again the accused sought an adjournment citing the absence of his counsel. This Court, bearing in mind, the various last and final opportunities already granted to the accused, closed his right of cross-examination, and the complainant evidence was accordingly closed on the same date.

12. It is clear from a perusal of the record that this Court has already substantively and directly adjudicated upon the question of right of the accused to cross-examine the complainant. The order dated 07.08.2025 was passed after due consideration of the record.

13. The present complaint is more than six years old, and the accused was granted ample opportunities, including last and final opportunities, in regard to the cross-examination of the complainant. In such circumstances, I do not find that any cogent and sufficient grounds are established for recalling the complainant for cross-examination.

14. For the aforementioned reasons, the present application moved by the accused under Section 348, BNSS, stands disposed of as dismissed.....”

10. Arguments advanced by Ld. Counsel for the Revisionist and Ld. Counsel for respondent/Complainant have been heard and the entire record is perused by this Court.

11. Now, advertent to the factual matrix of the case, the revisionist Sanjeev Kapoor failed to cross-examine the complainant despite multiple opportunities, therefore, his right to cross-examine the complainant was closed and an application moved under Section 348 BNSS seeking recalling of the witness for cross-examination was also dismissed by the Ld. Trial Court.

12. Perusal of the record reveals that the Ld. Trial Court had dismissed the application of the revisionist/accused moved under Section 348 BNSS by passing a reasoned order. The ground taken by the revisionist/accused in the present Revision Petition is that he has a strong defence against the complainant and that closure of his right to cross-examine the complainant would seriously prejudice his case. It is further contended that the said default occurred only due to some bonafide reasons and due to some unavoidable circumstances. Though, strictly speaking, there is no illegality or irregularity in the impugned order passed by the Ld. Trial Court, however, taking a liberal view so as to advance the cause of justice and considering that the right of cross-examination of a complainant/witness is an essential component of a fair trial, it would be in the larger interest of justice to afford one more opportunity to the revisionist/accused. Accordingly, the right of the Revisionist/accused to cross-examine the complainant in case titled as

‘Vikash Sharma Vs. Sanjeev Kapoor’ in CT Case 1405/2019, is hereby restored. However since, the matter has been considerably delayed, therefore, balancing the right of the parties, the aforesaid right is restored only subject to the payment of costs of Rs. 25,000/- to be paid by the Revisionist/accused to the complainant. It is made clear that only one opportunity is granted to the revisionist/accused to cross-examine the complainant (CW-1) and no further adjournment be entertained on any ground whatsoever.

13. Thus, in the view of the foregoing discussion, the present revision petition stands allowed subject to cost of Rs. 25,000/-. Revision file be consigned to Record Room. Copy of this order with Trial Court Record be sent to Learned Trial Court for necessary intimation and compliance.

**Announced and dictated in the
open Court on 17.04.2026**

**(SURABHI SHARMA VATS)
Addl. Sessions Judge-04 (Shahdara)
Karkardooma Courts, Delhi.**