

**IN THE COURT OF SPECIAL JUDGE:
PC ACT (CBI) - 04, ROUSE AVENUE DISTRICT COURTS,
NEW DELHI.**

Criminal Revision No. 35/2026 (DLCT11-000640-2026)

**Central Bureau of Investigation
Through Sh. Chandan Singh
Sub-Inspector, CBI, EO-I,
5-B, CGO Complex
3rd Floor, New Delhi**

... Revisionist

Vs.

M/s Intercon Infotech Pvt Ltd & Ors

...Respondents.

Date of Institution	: 04.06.2026
Order Reserved on	: 06.06.2026
Date of Passing Order	: 08.06.2026

ORDER

1. The present revision has been preferred by the revisionist/CBI under Section **438/442 of BNSS 2023** (Corresponding to Section 397/401 Cr.P.C) against the order dated 15.05.2026 (in short '**impugned order**') passed by Ld. ACJM-05, RADC (**hereinafter referred as Trial Court**) whereby cost of Rs.15,000/- has been imposed on HIO Ms. Neelam Raj as re-affirmed vide order dated 26.05.2026.

2. It is, inter alia, pleaded that RC 2192016E0015 was registered on 12.07.2016 under Section 120-B r/w 420 IPC and Section 13 (2) r/w 13 (1) (d) of PC Act against M/s Intercon Infotech Pvt Ltd, its directors and other unknown persons on the basis of one written complaint made by DGM, Canara Bank, New Delhi.

2.1 It is further pleaded that after completion of the investigation, the chargesheet was filed on 18.05.2018 against M/s Intercon Infotech Pvt Ltd and 12 other accused persons. The supplementary chargesheet was filed on 15.09.2019. The matter is now pending with Ld. Trial Court . During the investigation, the original documents and specimen signatures of accused persons were sent to CFSL on 15.05.2018 which finds mention in Para 16.36 of the chargesheet. The said CFSL report was received before commencement of arguments on charge on 23.08.2019 . The order on charge was passed on 25.09.2019.

2.2 It is further pleaded that HIO Ms. Neelam Raj joined CBI, EO-I on 15.01.2020 as Inspector on deputation and was entrusted the Pairvi of the said case alongwith other under-trial matters. However, due to Covid-19 Pandemic, she could not join office from March to June 2020. Thereafter, she started attending office on rotational basis and during the said period, she

preferred one revision petition before the Ld. Revisional Court on 24.08.2020.

2.3 Further, it is pleaded that the **CFSL report was collected in February 2021**. However, due to inadvertence and official exigencies including Covid 19 restriction and her deputation to CBI Kolkata from August 2021 to October 2021, the CFSL report alongwith documents could not be filed before the Ld. Trial Court at that stage. **Thereafter, HIO Ms. Neelam Raj moved an application dated 04.09.2024 before the Ld. Trial Court for taking on record the CFSL report alongwith the documents and list of additional witnesses.**

2.4 Vide the impugned order dated 15.05.2026, the Ld. Trial Court though allowed the said application, but imposed cost of Rs.15,000/- on HIO Ms. Neelam Raj to be deposited with DSLSA terming the delay of over five years as 'inordinate' and HIO's conduct as 'lackadaisical'. The HIO moved an application for waiver of the cost before the Ld. Trial Court which was dismissed vide order dated 26.05.2025.

3. That feeling aggrieved by the impugned order dated 15.05.2026 and dismissal of application seeking waiver of the

cost, the present revision has been preferred on the following grounds:

(i) The Ld. Trial Court has imposed the cost which is arbitrary and disproportionate as the application for placing CFSL report on record was allowed on merits in view of judgment of Hon'ble Supreme Court CBI. V. R.S. Pai (2002) 5 SCC 82 and Sameer Sandhir V. CBI 2025 INSC 776. **No prejudice was caused to the accused. The delay occurred on account of extraordinary circumstances including Covid-19 Pandemic.** As such, the cost imposed on a public servant is both disproportionate and arbitrary.

(ii) Ld. Trial Court failed to appreciate the extraordinary circumstances leading to the delay viz; the Inspector Ms. Neelam Raj was made HIO on 15.01.2020 and she did not join the office from March 2020 to June 2020 due to pandemic; she attended office on rotational basis due to restrictions, she being newly posted was not aware of procedural requirement of collecting original CFSL documents and was deputed to CBI Kolkata from August to October 2021. Further, HIO collected the documents in February 2021 but could not file the same due to pending revision and subsequent Covid-II restrictions.

(iii) The Ld. Trial Court erred in imposition of personal cost on an individual officer acting in official capacity is legally unsustainable.

(iv) The explanation qua delay in filing the CFSL report was filed by the HIO concerned as well as by the

S.P. Despite the said detailed explanation, the Ld. Trial Court observed that it did not inspire confidence. The Ld. Trial Court applied incorrect standard while evaluating the said explanations.

(v) The Ld. Trial Court erred in dismissing the application seeking waiver of cost vide order dated 26.05.2026 observing that no fresh ground was made out and it was an attempt to seek review of the impugned order. The order dated 26.05.2026 too is not sustainable which compound error of the order dated 15.05.2026.

(vi) The Ld Trial Court itself relied upon cases CBI V. R.S Pai (supra) and Sameer Sandhir (supra). Thus, by allowing the application for taking on record CFSL report alongwith documents, the Ld. Trial Court conceded that HIO's conduct too fell within category of 'inadvertent mistake'.

(vii) Lastly, the balance of convenience lies in favour of Revisionist.

4. In support of the said pleas, Ld. Sr.PP for the CBI assisted by Ld. P.P from the Branch argued that they are only challenging the aspect of imposition of cost upon the HIO vide the impugned order dated 15.05.2026.

4.1 It is argued that though their application for taking on record the CFSL report was allowed, but they have been burdened with the cost. It is argued that the imposition of cost is without any legal basis as the order itself records the fact that the

formal charges are yet to be framed and the trial is yet to begin. **Thus, no prejudice has been caused to the accused on account of the delay in filing of the CFSL Report.**

4.2 It is further argued that the concerned HIO was no doubt negligent, but it also matter of record that she had little experience having joined the organization from bank.

4.3 Lastly, the legal permissibility of the imposition of cost is also questioned. It is argued that the only ground on which the cost can be imposed is when the parties to the proceedings delays the matter under Section 309 Cr.P.C (now u/s 346 BNSS) which was not the case herein. No adjournment was sought by them and hence, the imposition of cost is illegal.

5. Heard and considered.

6. Before discussing the merits of the case, the first and foremost issue is the scope of the revisional jurisdiction of this Court under Section 438 BNSS 2023 (Corresponding to Section 397 Cr.P.C).

7. It is well settled proposition of law that the jurisdiction of Revisional Court is only to see the patent illegalities or

irregularities in the proceedings challenged before it. **The records are to be called only for the purposes of satisfying itself on the said limited grounds.** The said scope has also been discussed by the Hon'ble Supreme Court in the landmark judgment of **Amit Kapoor V. Ramesh Chander & Anrs.(2012) 9 SCC 460**. The relevant Para-12 of the said judgment is reproduced hereunder for the sake of convenience:

“12. The jurisdiction of the Court under [Section 397](#) can be exercised so as to examine the correctness, legality or propriety of an order passed by the trial court or the inferior court, as the case may be. Though the section does not specifically use the expression ‘prevent abuse of process of any court or otherwise to secure the ends of justice’, the jurisdiction under [Section 397](#) is a very limited one. The legality, propriety or correctness of an order passed by a court is the very foundation of exercise of jurisdiction under [Section 397](#) but ultimately it also requires justice to be done. The jurisdiction could be exercised where there is palpable error, non-compliance with the provisions of law, the decision is completely erroneous or where the judicial discretion is exercised arbitrarily. On the other hand, [Section 482](#) is based upon the maxim *quando lex liquid alicuiconcedit, conceder videtur id quo res ipsa esse non protest*, i.e., when the law gives anything to anyone, it also gives all those things without which the thing itself would be unavoidable. The Section confers very wide power on the Court to do justice and to ensure that the process of the Court is not permitted to be abused.

7.1 Thus, this Court while hearing the petition in hand as a Revisional Court has a limited jurisdiction and only has to see as to whether there is a patent irregularity or illegality in the impugned order.

7.2 In light of the said limited scope of jurisdiction, the first issue to be seen is the patent illegality if any, in the impugned order. It is the case of the Revisionist that there is patent illegality in the impugned order imposing the cost on HIO as the factual matrix of the case did not permit the imposition of the cost as envisaged under Section 309 Cr.P.C.

8. Before delving into the factual aspects of the case in hand, the scope of Section 309 Cr.P.C *vis-a-vis* its interplay with the right of the accused to speedy trial under Article 21 of the Constitution requires consideration. The right of speedy trial of the accused with fair, just and reasonable procedure has been found to be implicit in Article 21 of the Constitution. **The said right to speedy trial encompasses all the stages, be it investigation, inquiry or trial, appeal & revision.** It is also well established that the right to speedy trial is also in public interest and it serves the societal interest. **It is in the interest of society as well as the prosecution that the guilt or innocence of the undertrial is determined as quickly as possible.** To support this

view, this Court is guided by the landmark judgment of Hon'ble Supreme Court in case titled **A.R Antulay and Ors v. R.S Nayak, 1992 (1) SCC 225.**

8.1 In said backdrop , the legal permissibility of imposition of the cost requires discussion . As far as the powers of the Ld. Trial Court for imposing the cost upon a party in a criminal trial is concerned, it finds statutory recognized under Section 309 Cr.P.C.

Section 309 (2) and Explanation -2 are the relevant statutory provisions which are reproduced under for the sake of convenience:

309. Power to postpone or adjourn proceedings

(1).....

(2) if the court, after taking cognizance of an offence, or commencement of trial, finds it necessary or advisable to postpone the commencement of , or adjourn, any inquiry or trial, if may, from time to time, for reasons to be recorded, postpone or adjourn the same on such terms as it thinks fit, for such time it considers reasonable an and may ba warrant remand the accused if in custody.

.....

Explanation 2: The terms on which an adjournment or postponement may be granted include, in appropriate cases, the payment of cost by the prosecution or the accused.

8.2 Thus, the co-joint reading of Sub-section (2) and Explanation-2 makes it apparent that in a case pending before the Ld. Magistrate, the Court enjoys the power of adjourning the matter from time to time on such terms as it may think reasonable. **The said terms of adjournments or postponement includes in appropriate cases, the payment of cost by the prosecution or the accused.** It is through use of the said statutory backing only, the Ld. Trial Court has imposed the cost upon the concerned HIO of CBI for the ‘inordinate’ and ‘unexplained delay’ in filing of CFSL Report as well as the original documents.

9. To appreciate the argument of the Revisionist/CBI that there was no adjournment sought thereby authorizing the Ld. Trial Court to impose cost upon them as envisaged under Section 309 IPC, the sequence of events requires delineation.

9.1 The impugned order in Para-7 records timeline of the proceedings as under:

‘15.05.2018: Original documents and specimen signatures/ handwritings of accused persons, were sent to CFSL, New Delhi for expert opinion.

18.05.2018: Chargesheet filed in the present case.

15.05.2019: Supplementary charge-sheet/ supplementary closure report filed in the present case.

23.08.2019: CFSL report received in the present case.

03.09.2019: Arguments on charge commenced.

25.09.2019: Order on Charge passed by the Ld. Predecessor of this Court.

11.11.2019: Charges framed against the accused, in terms of the above Order.

February 2021: Documents collected from CFSL, New Delhi.

17.04.2021: Order passed by the Ld. Revisional Court observing that the charges be framed against the accused persons, afresh.

17.01.2022: Accused Manoj Garg (A-9) discharged by the Ld. Predecessor of this Court.

04.09.2025 : Application filed by the HIO to take on record the CFSL report alongwith original documents and additional list of witness.'

10. It is, thus, apparent from the said timeline that despite the filing of the chargesheet way back in May 2018, the trial is yet to begin. It is also apparent from the record that the original documents alongwith specimen signatures and handwriting of the accused persons came to be forwarded to the CFSL on 15.05.2018 and the liberty was sought in the final report filed

under 173 Cr.P.C, in **Para-16.36** that expert opinion is awaited and will be filed as soon as the same is received.

10.1 It is also matter of record as reflected from D-115 , which is the Forwarding Letter of Director CFSL dated 03.08.2019 addressed to the S.P., CBI , it was intimated that the CFSL report being ready as well as asking them to collect the exhibits forwarded through authorized representative. As per the explanation furnished by the SP concerned before the Ld. Trial Court dated 08.12.2025, the said documents came to be collected from CFSL in February 2021, **though it is not explained for the said inordinate delay of about two years in collection of the said documents.**

10.2. It is also matter of record that the CFSL report along with the original documents/ exhibits came to be filed before the Ld. Trial Court on 04.09.2024. Thus, it is obvious that there was delay of more than five years in filing of the CFSL report alongwith the documents before the Ld. Trial Court. Accordingly, the Ld. Trial Court was forced to issue notice to notice to the concerned SP, CBI explaining the said delay. **In the said explanation, the entire onus has been put up on the HIO, which is now being questioned in the present petition .**

Even the explanation furnished by HIO concerned is incomplete. The ground of COVID-19 restrictions and her other duties cannot be the reasons explaining the said inordinate delay right from August 2019 till September 2024.

11. In the said factual background, the issue to be seen is as to whether the Ld. Trial Court was justified in imposition of the cost upon the prosecution specifically HIO or not. It is the case of the CBI that there was no adjournment sought by them for the said purpose and hence, the imposition of cost is unjustified.

11.1 To appreciate the said contention, the sequence of events right from the filing of CFSL report on 04.09.2024 through application till passing of the impugned order dated 15.05.2026 before the Ld. Trial Court requires to be taken into account. Vide the impugned order, the said application came to be decided and the said CFSL report alongwith original documents and list of additional witnesses was allowed. **However, it is apparent that the proceedings right from 24.10.2024 till 15.05.2026, the case simply got dragged and derailed from the main object . It was only on account of the said lapses on the part of the prosecution in not filing the CFSL report well in time.**

11.2 It is admitted fact that the first final report came to be filed on 18.05.2018 , when the CFSL report dated 23.8.2019 was not in existence. The arguments on the charge for the first time commenced on 03.09.2019 before the Ld. Trial Court. **So even before the commencement of arguments on charge, the CFSL report was ready and had the same been filed, the said delay which has now occurred from 24.10.2024 till 15.05.2026 would have been saved and the matter would have proceeded on trial.**

11.3 The matter was listed for framing of charge on 24.10.2024 before the Ld. Trial Court, when the said application of CBI for placing on record the CFSL report came to be taken up and the copies being supplied to the accused persons. The accused person took the objection in respect of the said delayed filing of the documents. Interestingly, on the very same day, the submission came to be given by Ld PP for CBI as under:

‘ On 04.09.2024, I had filed CFSL Report alongwith list of witnesses and additional list of relied upon documents.

Let the copy of the same be supplied to the accused persons on or before next date of hearing.

At this stage, Ld. Counsels for accused persons have raised objection with respect to the filing of documents after framing of charge.

In response, Ld. PP for CBI submits that the objection has been made in order to

prolong the trial and the same may be overruled subject to cost.'

11.3 It is apparent that CBI was agreeable to the proposition of taking on record the CFSL report subject to payment of cost which is now being re-agitated before this Court without any justifiable explanation.

12. In the said backdrop, the arguments raised on behalf of the Revisionist/ CBI that there was no adjournment or delay on account of submission of CFSL report is apparently against the record. As discussed above, the trial got derailed and delayed for period right from 24.10.2024 till 15.05.2026 on account of the said inaction on the part of CBI in not collecting and filing the CFSL report alongwith the exhibits in the year 2019 itself. The mere ground that no prejudice has been caused to the accused cannot be the sole consideration to be taken by the Court while exercising its power u/s 309 IPC.

12.1 The second contention of imposition of cost upon HIO is also frivolous, when seen in light of the fact that the explanation filed by the SP Concerned of CBI . The entire blame of said inordinate and unexplained delay has been placed upon HIO and due the said reason only , the cost has been imposed . Rather an '**Advisory**' has been issued to her . So they cannot

contest the said issue when they themselves placed the entire blame on her .

13. In view of the above, there is no illegality or irregularity in the impugned order dated 15.05.2026 passed by the ACJM-05, RADC, New Delhi, which calls for any interference. **It does not suffers from from any patent illegality or there is any palpable error, non-compliance with the provisions of law.** Therefore, the revision petition is dismissed being bereft of any merits.

TCR be sent back with a copy of this order.

Revision Petition be consigned to Record Room after due compliance.

Announced in the open Court
on 08.06.2026

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
RADC, New Delhi.