

IN THE COURT OF SH. SAMAR VISHAL,  
ADDITIONAL SESSIONS JUDGE-02, SOUTH DISTRICT,  
SAKET COURTS, NEW DELHI

CRIMINAL REVISION PETITION NO. 572/2025  
CNR No. DLST01-0197052025

IN THE MATTER OF

Gulafsa  
W/o Mohd. Ajam  
R/o Village Mirpur Vahanpur,  
PS Bisanpur, distt. Pili Bhit,  
Uttar Pradesh – 262201.

..... Revisionist

Versus

State (NCT Of Delhi)  
Through Chief Secretary of Delhi,  
New Delhi

..... Respondent No. 1

Rehana Ansari  
W/o Md. Haji Umar Rijvi  
D/o Abdul Ansari  
R/o 3/77, Dakshin Puri Ext.  
Dr. Ambedkar Nagar,  
New Delhi -110062.

..... Respondent No. 2

DATE OF INSTITUTION : 03.12.2025  
DATE OF RESERVING ORDER : 13.03.2026  
DATE OF PRONOUNCEMENT : 02.04.2026

**ORDER**

1. The present revision petition has been preferred by the revisionist Gulafsa (hereinafter referred to as “the revisionist”), assailing the order dated 26.04.2025 passed by the Court of the learned Judicial Magistrate First Class, JMFC-04 (Mahila Court), South District, Saket Courts

(hereinafter referred to as “the Trial Court”). By way of the impugned order, the learned Magistrate corrected the spelling of the name of the accused, i.e., “Gulafsa”, which had been incorrectly mentioned as “Gulfama” in the chargesheet.

2. At the outset, it is necessary to note that the scope of interference in revisional jurisdiction is limited. A revisional court does not function as a court of appeal and cannot re-appreciate evidence or substitute its own view merely because another view is possible. Interference is warranted only when the impugned order suffers from patent illegality, material irregularity, perversity, or results in miscarriage of justice. Keeping this well-settled principle in mind, the impugned order has been examined. Code. In the case of *Amit Kapoor vs Ramesh Chander and Another* (2012) 9 SCC 460, it was held by Hon’ble Supreme Court that section 397 of the Criminal Procedure Code 1973, 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. 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.

3. The record reveals that the chargesheet in FIR No. 288/23, Police Station Ambedkar Nagar, was filed against the present revisionist and other accused. Vide order dated 24.09.2024, the learned Trial Court took cognizance of the offences disclosed therein and summoned the accused persons, including the revisionist. Subsequently, on 26.04.2025, upon a clarification, sought from the Investigating Officer, the learned Trial Court corrected the spelling of the name of the revisionist from “Gulfama” to “Gulafsa”.
4. A perusal of the grounds taken in the revision petition shows that the revisionist is, in substance, aggrieved not merely by the correction of the name, but by the very initiation of proceedings against her. The contentions raised relate to the merits of the case, including the absence of specific allegations, lack of independent evidence, and her alleged separate residence. These grounds, however, pertain to the appreciation of evidence and the veracity of the allegations, which cannot be examined at this stage.
5. In the case of Mrs. Amrita Jain versus State of NCT of Delhi & Anr., CRL.M.C. 80/2025 & CRL.M.A. 499/2025, while relying upon the judgment of U.P. Pollution Control Board v. Mohan Meakins Limited and Ors.,(2000) 3 SCC

745 it has been observed by Hon'ble Delhi High Court that it is well settled that taking cognizance does not involve any formal action and the Magistrate is not even required to pass a speaking order at the stage of taking cognizance. Cognizance is taken when the Magistrate first takes judicial notice of an offence.

6. In the case of Darshan Singh Ram Kishan v.State of Maharashtra, (1971) 2 SCC 654, the Hon'ble Supreme Court held that that a Magistrate may take cognizance of an offence either, (a) upon receiving a complaint, or (b) upon a police report, or (c) upon information received from a person other than a police officer or even upon his own information or suspicion that such an offence has been committed. Taking cognizance does not involve any formal action or indeed action of any kind but occurs as soon as a Magistrate applies his mind to the suspected commission of an offence. Cognizance, therefore, takes place at a point when a Magistrate first takes judicial notice of an offence. This is the position whether the Magistrate takes cognizance of an offence on a complaint, or on a police report, or upon information of a person other than a police officer. Therefore, when a Magistrate takes cognizance of an offence upon a police report, prima facie he does so of the offence or offences disclosed in such report.
7. In the case of Chief Enforcement Officer v. VideoconInternational Ltd.,(2008) 2 SCC 492, it was observed that the expression "cognizance" has not been defined in the Code. But the word cognizance is of

indefinite import. It has no esoteric or mystic significance in criminal law. It merely means become aware of” and when used with reference to a court or a Judge, it connotes “to take notice of judicially”. It indicates the point when a court or a Magistrate takes judicial notice of an offence with a view to initiating proceedings in respect of such offence said to have been committed by someone. “Taking cognizance” does not involve any formal action of any kind. It occurs as soon as a Magistrate applies his mind to the suspected commission of an offence. Cognizance is taken prior to commencement of criminal proceedings. Taking of cognizance is thus a sine qua non or condition precedent for holding a valid trial. Cognizance is taken of an offence and not of an offender. Whether or not a Magistrate has taken cognizance of an offence depends on the facts and circumstances of each case and no rule of universal application can be laid down as to when a Magistrate can be said to have taken cognizance.

8. In the present case, the learned Trial Court, upon perusal of the chargesheet and the material placed on record, took cognizance of the offences and summoned the accused persons. No illegality or irregularity has been found in the said order. The subsequent order dated 26.04.2025 merely corrects a clerical/typographical error in the name of the revisionist, which does not affect the substance of the proceedings.
9. The contentions raised by the revisionist, being essentially on the merits of the case, are matters to be considered at the

stage of arguments on charge or during trial. The revisional jurisdiction cannot be invoked to adjudicate upon such issues at this stage.

10. In view of the aforesaid discussion, I am of the considered opinion that the impugned order does not suffer from any illegality, material irregularity, or perversity warranting interference.
11. Accordingly, the present revision petition stands dismissed.
12. Trial Court record be sent back along with a copy of this order.
13. Revision file be consigned to the Record Room after due compliance.
14. Ordered accordingly.

**PRONOUNCED IN OPEN COURT ON  
THIS 2<sup>nd</sup> April 2026**

**(Samar Vishal)  
ASJ-02, South District  
Saket Courts, New Delhi  
02.04.2026**

**Certified that this Order contains 06 pages and each page bears my signatures.**

**(Samar Vishal)  
ASJ-02, South District  
Saket Courts, New Delhi  
02.04.2026**