



**IN THE COURT OF ADDL. SESSIONS JUDGE (SFTC) :  
DWARKA COURTS : NEW DELHI  
PRESIDED BY MS. RASHMI GUPTA**

CNR No. DLSW010081592025  
CR No: 472/2025  
U/s: 397 Cr. PC  
(In Ct. Case No. 918/2023  
Baffel Academy v. Kumar Vaibhav)

**In the matter of:**

**KUMAR VAIBHAV**

House No. 245, Sector-6,  
Shardha Puri, Saradhana Road,  
Kanker Keera, Meerut-250001,  
Uttar Pradesh

**....REVISIONISTS/ PETITIONER**

***Vs***

**M/S BAFFEL ACADEMY PVT. LTD.**

Through its Director  
Sh. Deepak Gupta  
A-56, Palam Extension,  
Sector-7, Dwarka,  
New Delhi-75.

**....RESPONDENT**

**AND**

CNR No. DLSW010081582025  
CR No: 473/2025  
U/s: 397 Cr. PC  
(In Ct. Case No. 918/2023  
Baffel Academy v. Gurukripa Singh Chauhan)

**In the matter of:**

**GURUKRIPA SINGH CHAUHAN**  
Nalanda Van CHS, Building No. 10,  
A-02, Mittal Enclave, Naigaon East,  
Vasai, Palghar, Maharashtra-401205

**....REVISIONISTS / PETITIONER**

***Vs***

**M/S BAFFEL ACADEMY PVT. LTD.**

Through its Director  
Sh. Deepak Gupta  
A-56, Palam Extension,  
Sector-7, Dwarka,  
New Delhi-75.

**....RESPONDENT**

Date of Institution	:	30.08.2025
Order reserved on	:	10.02.2026
Date of Decision	:	11.04.2026

**ORDER**

1. Vide this common order, I shall dispose off both the revision petitions which have arisen out of the order of summoning dated 08.08.2024 whereby summons were issued by Ld. JMFC-04, South West, Dwarka Courts to the accused persons Kumar Vaibhav, Guru Kripa Singh and Prime SEO HUB (through Pankaj) for offences punishable U/s 500/34 IPC.

2. The main challenge through the present revision petition is that the revisionists (summoned accused persons) were not given an opportunity of being heard which is contemplated by proviso to Section 223 (1) of BNSS despite the fact that the impugned order was passed on 08.08.2024 after coming into

force of Bhartiya Nyay Sanhita, 2023 (herein after referred to as 'BNS')

3. Briefly stated facts of the case are that the complainant M/s Bafel Academy Pvt. Ltd. (respondent herein) had alleged that the accused persons Kumar Vaibhav, Guru Kripa Singh and Prime SEO HUB (through Pankaj), in conspiracy with each other had created a website bafel.franchiseebusiness.co.in which went live in February 2019. However, the official website of M/s Bafel Academy Pvt. Ltd. is bafel.co.in. The above-said fake website was created only to defame the complainant (respondent herein) by uploading sensitive information of the cases pending in various Courts with caption as cheating FIR, bail of Bafel Directors, false cases by Bafel Directors, tax theft, etc. It is alleged in the complaint that the said actions of the accused persons has caused irreparable harm to the reputation of the complainant and its Directors.

4. Consequent to the complaint, pre-summoning evidence was lead by the complainant company and examined CW-1 Alka Gupta, AR/ Director of Bafel Academy and CW-2 Deepak Gupta, Director of Bafel Academy. After perusal of the record and statement of the witnesses, Ld. Trial Court passed the above-said impugned order dated 08.08.2024 whereby summons were issued to accused persons Kumar Vaibhav, Guru Kripa Singh and Prime SEO Hub (through Pankaj). Aggrieved by the said impugned order, the present revision petition was filed in the court of the undersigned stating that opportunity of being heard

was not granted to the revisionists (summoned accused persons) despite the same being contemplated by BNSS.

5. Ld. Counsel for petitioners/**revisionist** argued that the impugned order is bad in law and has been passed by the Ld. Trial Court in a mechanical manner. As per the mandate of Section 223(1) of BNSS, the person against whom the complaint is made must be afforded an opportunity of being heard. However, the accused persons have not been given any opportunity to be heard which has lead to serious miscarriage of justice. As per Section 438 BNSS, the Revisional Court can call for and examine the record of the proceedings conducted before Ld. Trial Court/ LD. JMFC.

6. In support of his arguments, Ld. Counsel for the revisionist has placed his reliance upon the following judgments:-

(a) Judgment passed by the Hon'ble High Court of Delhi in '*Brand Protectors India Pvt. Ltd. v. Anil Kumar*' 2025 SCC OnLine Del 5046.

(b) Judgment passed by the Hon'ble Supreme Court of India in '*Tutu Ghosh v. Enforcement Directorate*' 2025 SCC OnLine Cal 5924.

(c) Judgment passed by the Hon'ble High Court of High Court of Punjab and Haryana at Chandigarh in '*Sikander Singh v. Directorate of Enforcement*' 2025 SCC OnLine P&H 13193.

(d) Judgment passed by the Hon'ble Supreme Court of India in '*T. Barai v. Henry Ah Hoe And Anr*' (1983) 1 SCC 177.

- (e) Judgment passed by the Hon'ble High Court of High Court of Patna High Court in '*Awtar Singh v. The State of Bihar*' 1975 SCC OnLine Pat 49.
- (f) Judgment passed by the Hon'ble Supreme Court of India in '*A.K. Sarkar And Company And Anr v. State Of West Bengal And Ors*' 2024 SCC OnLine SC 248.
- (g) Judgment passed by the Hon'ble Supreme Court of India in "*Trilok Chand v. State Of Himachal Pradesh*' (2020)10 SCC 763.
- (h) Judgement passed by the Hon'ble Suereme Court of India in '*Nemi Chand v. State of Rajasthan*' (2018 )17 SCC 448.
- (h) Judgement passed by the Hon' ble Supreme Court of India in '*Re-Inhuman Conditions in 1382 Prisons*' 2024 SCC OnLine SC 3596.
- (i) Judgement passed by the Hon'ble Supreme Court of India in '*State of Punjab V. Mohar Singh*' (1955) 1 SCR 893.

7. On the other hand, ld. Counsel for respondent argued that the present revision petition is without any merits and is liable to be dismissed with costs. The revisionist has resorted to a selective and hypertechnical pleading of the settled legal position. The present matter is governed by the provisions of the Code of Criminal Procedure and not BNSS as the complaint was instituted, application u/s 156 (3) Cr.PC, and recording of evidence of complainant witnesses was conducted well before coming into force of BNSS and only technically, the order was passed in the month of August 2024 after coming into force of BNSS. The said proceedings i.e. the inquiry conducted by the Ld. Trial Court before issuing summons qua the accused persons is

saved and protected by the savings clause u/s 531 BNSS. The Ld. Trial Court has passed the impugned order after applying judicial mind. The petitioners have failed to point out any patent illegality in the impugned order passed by the Ld. Trial Court and the same has been passed in accordance with law. Moreover, the testimonies of the witnesses examined in pre-summoning evidence cannot be tested in revision before this Court. Therefore, the present revision petition is liable to be dismissed.

8. In support of their arguments, Ld. Counsel for respondent has placed their reliance upon the judgments of *Natwar Parida & Ors. Vs. State of Orrisa* (1975) 2 SCC 220; *Hardeep Singh Vs. State of Punjab* (2014) 3 SCC 92; *S.S. Binu Vs. State of West Bengal* 2018 SCC Online Cal 16881; *Rajesh & Ors. Vs. State of Uttar Pradesh, Application u/s 482 No. 2247/2021*; *State of West Bengal Vs. Mohd. Khalid* (1995) 1 SCC 684; *Ramdev Food Products Pvt. Ltd. Vs. State of Gujarat* (2015) 6 SCC 439; *Anil Kumar & Ors. Vs. M.K. Aiyappa & Anr.* (2013)10 SCC 705; *State of Karnataka Vs. Pastor Praju* (2006) 6 SCC 728.

### **FINDINGS**

9. After hearing both the sides, going through the record and the case laws cited by both the sides and perusal of the provisions of Cr. PC and BNSS, this Court is of the considered opinion that the present revision petition is without merits and is liable to be dismissed. The revisionist is aggrieved by the fact that he was not granted an opportunity of being heard as provided by proviso to Section 223 BNSS and the accused

(revisionist herein) were summoned without affording any such opportunity and hence violating the rights of the revisionist granted to them under the new law.

10. The impugned order is dated 08.08.2024 which was passed by Ld. JMFC-04 whereby the accused persons (revisionist herein) namely Kumar Vaibhav and Gurukripa were summoned for offences U/s 500/34 IPC. Bhartiya Nagrik Suraksha Sanhita (BNSS) came into force w.e.f. July 2024 and the impugned order is dated 08.08.2024. So, the limited question to which this revision petition boils down is whether the provisions of Cr.PC or BNSS were applicable to the proceedings under consideration before Ld. JMFC.

11. Perusal of the record shows that, the complaint case alongwith application U/s 156 (3) CR. PC got instituted before the Court of Ld. JMFC in the month of May 2023. Thereafter, application moved on behalf of the complainant U/s 156 (3) Cr. PC was dismissed in the month of June 2023 and matter was put for recording pre-summoning evidence U/s 200 Cr. PC. Thereafter, from September 2023 to May 2023, examination of the complainant and his witnesses was concluded and after hearing the arguments on the aspect of summoning of the accused persons on 29.05.2024, the matter was listed for orders. Thereafter, vide order dated 08.08.2024, the accused persons were summoned in the present case for offence U/s 500 / 34 IPC which is impugned and is challenged on the ground that opportunity of being heard was not granted to the accused despite the fact that BNSS came into force w.e.f. 01.07.2024.

12. The Court is completely in agreement with the contention made on behalf of the respondent that the proceedings of the present case are protected and saved by *Repeal and Saving Clause* as provided by Section 531 BNSS. The complaint was instituted in the year 2023 and the complainant witnesses were examined till May 2024 and the arguments on the aspect of summoning were concluded on 29.05.2024, hence, it can be clearly and safely said that the said proceedings i.e. inquiry was pending before the Court of Ld. JMFC well before coming into force of BNSS on 01.07.2024, it was only that the orders on the pending proceedings under Cr. PC was pronounced on 08.08.2024 by which date, BNSS had come into force. The revisionist cannot be allowed to the advantages of BNSS as it is only technically that the order was passed after coming into force of BNSS in the pending proceedings i.e. inquiry under Cr. PC. Technical advantage of coming into force of BNSS cannot be given to revisionist. Moreover, Cr. PC and BNSS are procedural laws and not substantive laws and as a general rule, the procedural laws are prospective and not retrospective in nature. Also, the 'rule of beneficial legislation' cannot apply to the present case as we are dealing with procedural laws and not with substantive laws. Moreover, the right to be heard would be available to the revisionist (summoned accused persons) at the stage of pre-charge evidence and other stages of the trial. The judgments relied upon by the revisionist including that of *Tutu Ghosh v. Enforcement Directorate (supra)* are not applicable to the present case.

13. Section 531 BNSS clearly provides that any appeal, application, trial, inquiry or investigation pending before the date on which BNSS came into force shall be disposed off and continued in accordance with the provisions of Cr. PC as if BNSS had not come into force. The proceedings of examining the complainant's witness and summoning of the accused persons can be termed to be an inquiry as contemplated by Section 2 (g) Cr. PC which was pending at the time BNSS came into force. Thus, such proceedings i.e. inquiry has to be continued as if BNSS had not come into force. The relevant portion of Section 531 (2) is quoted hereunder for ready reference:

**“531. Repeal and savings.**

(1) The Code of Criminal Procedure, 1973 is hereby repealed.

(2) Notwithstanding such repeal-(a) if, immediately before the date on which this Sanhita comes into force, there is any appeal, application, trial, inquiry or investigation pending, then, such appeal, application, trial, inquiry or investigation shall be disposed of, continued, held or made, as the case may be, in accordance with the provisions of the Code of Criminal Procedure, 1973, as in force immediately before such commencement (hereinafter referred to as the said Code), as if this Sanhita had not come into force;”

14. Thus, the main ground of the challenge in the present revision petition is answered as above. It is held that the impugned order dated 08.08.2024 is perfectly legal and valid and had been passed being governed by the provisions of Cr. PC which does not contemplate any 'hearing' which has to be afforded to the accused at the time of taking cognizance. The said development has been brought by BNSS and will apply only to the proceedings instituted and governed by the provisions of BNSS. Further, the legality and propriety of the summoning

order dated 08.08.2024 are not under challenge before this Court in the present revision petition.

15. Revisionary power cannot be exercised in a casual or mechanical manner. It can only be exercised to correct manifest error of law or procedure which would occasion injustice, if it is not corrected. This power can only be exercised if there is any legal bar to the continuance of the proceedings.

16. In view of the above discussion, this Court does not find any reasonable cause or illegality to set aside the impugned order dated 08.08.2024 passed by Ld. JMFC-04, South West, Dwarka Courts. For the aforesaid reasons, present revision petition is dismissed.

17. Copy of this order alongwith TCR be sent to Ld. Trial Court for information. Revision file be consigned to record room.

**ANNOUNCED IN THE OPEN COURT  
DATED: 11.04.2026**

**(RASHMI GUPTA)  
ADDL. SESSIONS JUDGE (SFTC)  
DWARKA COURTS : NEW DELHI**