



IN THE COURT OF ADDITIONAL SESSIONS JUDGE
(SFTC), SOUTH-WEST DISTRICT, DWARKA COURTS,
NEW DELHI
(PRESIDED BY MS. RASHMI GUPTA)

CR No: 549/2025
U/s: 397 Cr. PC
(In CC NI Act No. 3508/2023
HDFC Bank Ltd. v. Saddam Hussain)

In the matter of:

M/s HDFC BANK Ltd.

Having Branch Officer AT

1st Floor, Tower A, Plot No. 31

(Near Jaguar Land Rover and BMW Showroom)

Najafgarh Industrial Area

Shivaji Marg, Moti Nagar, New Delhi-110015.

---Revisionist.

Versus

Saddam Hussain

Q-25 Gali No. 19, Q Block

Brahm Puri East Delhi-116053

--- Respondent.

Date of Institution	:	19.09.2025
Order reserved on	:	Not Reserved.
Date of Decision	:	13.03.2026

ORDER

1. Vide this order, I shall dispose off revision petition arisen out of the impugned order dated 08.08.2025 passed by the Court

of Ms. Deepika Yadav, Ld. Judicial Magistrate First Class (NI Act) Digital Court-06, South West, Dwarka Court, New Delhi, in CC NI ACT 3508/2023, titled as HDFC Bank Ltd. Vs. Saddam Hussain, whereby Ld. JMFC had dismissed the complaint case at hand under Section 204 (4) of CrPC (224(4) BNSS) for non-filing of PF.

2. Brief facts as averred in the complaint are that the revisionist Bank is a schedule commercial bank within the meaning of term “Scheduled Bank” defined under Section 2(e) of the Reserve Bank of Act 1936 and a corporate body having its Registered Office at HDFC Bank House, Senapati Bapat Marg Lower Parel (West) Mumbai-400013 and inter-alia having its brand office at 1st Floor, Tower A, Plot No. 31, Near Jaguar Land Rover and BMW Showroom, Najafgarh Industrial Area, Shivaji Marg, Moti Nagar, New Delhi-110015. Further the revisionist bank is engaged in the business of finance among other portfolios which are subject to the guidelines of Reserve Bank of India promulgated from time to time. That the respondent availed loan facility from the revisionist bank bearing loan agreement No. ‘450622302’ and towards the discharge of outstanding/ EMIs respondent had executed ECS/ SI mandate in favour of the revisionist bank which was dishonored and a complaint case under Section 25 of the Payment & Settlement System Act, 2007 r/w Section 138 of NI Act was filed against the respondent by the

revisionist bank through its authorized representative Sh. Arvind Singh. After filing the complaint case, summons were issued against the respondent on 15.03.2024. The present complaint case came to be dismissed by the Ld. Trial Court vide impugned order dated 08.08.2025 U/s 204(4) Cr. PC for non-filing of PF.

3. Notice of the present revision petition was issued and respondent appeared through VC with his counsel also on VC. The subject matter of the case was only Rs. 10,629/- and it was stated by the respondent that he was ready and willing to pay the said amount. To dispose off the matter amicably between the parties, opportunity was granted to the respondent to make the payment of the cheque amount alongwith interest, if any to the revisionist bank. However, despite opportunities being granted, the respondent failed to make the payment to the revisionist bank. Thus, the matter was proceeded on merits.

4. Despite opportunity being granted, none appeared for the respondent to argue on the pending revision petition. Ld. Counsel for revisionist has been heard and the record has been perused.

5. Ld. counsel for the revisionist bank has submitted that on 08.08.2025, proxy counsel for the revisionist appeared before the Ld. Trial Court and sought short adjournment for filing the

receipt of PF. Ld. Trial Court neither granted an opportunity to file the PF receipt nor another opportunity to file the PF. However, Ld. Trial Court instead of adjourning the matter, dismissed the same for want of non-prosecution. It is further submitted by the Ld. counsel for the revisionist that the non-filing of PF in the matter was neither intentional nor deliberate but due to the reason mentioned above. It is submitted that the complaint case of the revisionist bank was dismissed on technical grounds and if the impugned order dated 08.08.2025 is not set aside, it will cause irreparable loss to the revisionist, however, no prejudice will be caused to the respondent if the matter is tried on merits.

6. I have gone through the material available on record and gave thoughtful consideration to the arguments advanced on behalf on revisionist bank.

7. Perusal of the impugned order dated 08.08.2025 passed by the Ld. Trial court reveals that Ld. proxy counsel for the complainant bank (herein revisionist bank) appeared before the Ld. Trial Court and sought adjournment for furnishing the receipt of PF. However, Ld. Trial Court did not give such opportunity to the complainant to file the same and dismissed the matter u/s 204 (4) CrPC (227(4) BNSS) for non-filing of PF. Ld. counsel for the revisionist has submitted that the non-filing of PF in the matter

was neither intentional nor deliberate. Further, the Court is in agreement with the contention raised by Ld. Counsel for the revisionist that the matter was dismissed on technical grounds and it would cause irreparable harm to them. Further, it is always in the interest of justice to dispose off the matter on merits rather than its dismissal on technical grounds.

8. In view of the aforesaid observations, **the present revision petition stands allowed subject to payment of cost of Rs.1000/- to be deposited by the revisionist bank with DLSA, South West Dwarka, New Delhi. Cost receipt be furnished. Also, the revisionist is directed to pay previous cost as imposed by the Ld. Trial Court. It is also made clear that not more than one opportunity should be granted to the revisionist to take steps viz. Paying previous cost, present cost, filing of PF, etc. Accordingly, impugned order dated 08.08.2025 passed by Ld. Trial Court is set aside subject to the conditions mentioned above and the present revision petition is allowed. TCR be sent back to Ld. Trial Court along with copy of this order for necessary information and compliance.**

**ANNOUNCED IN THE OPEN COURT
DATED: 13.03.2026**

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