

**IN THE COURT OF SH. GURVINDER PAL SINGH
PRINCIPAL DISTRICT & SESSIONS JUDGE
SOUTH DISTRICT, SAKET COURTS,
NEW DELHI**

**CNR No. DLST01-006152-2025
Criminal Revision Petition No. 197/2025**

Jugvinder Singh
S/o Madanvir Singh
R/o 137, Saidulajab,
Mehrauli, New Delhi-110030
...Revisionist

vs.

Harvinderpal Singh Madan
R/o H-17/14, Malviya Nagar,
New Delhi-110017
...Respondent

Date of institution : 01.05.2025
Date of arguments : 11.12.2025
Date of pronouncement : 23.12.2025

Appearances:

**Sh. Anup Kalia, Sh. Varun Goswami and Ms.
Geetika Goel, Ld. Counsel for revisionist.
Sh. R.P. Pandey, Ld. Counsel for respondent**

ORDER

Criminal revision petition under Section 397 of The Code of Criminal Procedure, 1973 (in short Cr.P.C)/438 Bhartiya Nagrik Suraksha Sanhita 2023 (in short BNSS) was filed by revisionist impugning order dated 20/01/2025 of Court of JMFC (NI Act)-03, South, Saket, New Delhi in case **CC No. 4713/2024**, titled '**Jugvinder Singh vs Harvinderpal Singh Madan**', whereby the criminal complaint case for the offence under

Section 138 of The Negotiable Instrument Act, 1881 (in short N.I Act) was dismissed in default and for non prosecution.

2. I have heard Sh. Anup Kalia, Sh. Varun Goswami and Ms. Geetika, Ld. Counsel for revisionist; Sh. R.P. Pandey, Ld. Counsel for respondent and perused the record of this criminal revision petition case as well as requisitioned trial court record and given my thoughtful consideration to the rival contentions put forth.

3. Afore elicited complaint case for offence under Section 138 N.I Act was received on assignment by Magisterial Trial Court on 04/06/2024 and kept for 15/07/2024 by Magisterial Trial Court for consideration; thereafter for 14/08/2024, 28/09/2024, 13/11/2024, 20/12/2024 and 20/01/2025.

4. Revisionist has impugned the order dated 20/01/2025 of Magisterial Trial Court on following premise/grounds. The impugned order passed by Trial Court has violated core principle of natural justice and rule of fair hearing. Revisionist has right to properly put his case for the claim made against respondent in the complaint case. Complainant had faith on his Advocate, who was contesting his case and was regularly appearing in the aforesaid case but he failed to appear before Court on 20/01/2025 for reasons best known to him and also on earlier dates, whereas complainant was unable to attend the Court proceedings regularly due to heavy burden of his business and it resulted in the dismissal of the case, as aforesaid. Revisionist accordingly seeks setting aside of impugned order dated 20/01/2025.

5. Ld. Counsel for respondent argued for dismissal of the revision petition, submitting that after filing of the revision petition on 04/06/2024, the case was kept for 15/07/2024 for consideration and thereafter for 14/08/2024, 28/09/2024, 13/11/2024, 20/12/2024 and 20/01/2025 by the Magisterial Trial Court but despite opportunities, revisionist did not appear on aforesaid dates of hearing.

6. **Supreme Court** in the case of ***Estate Officer, Haryana Urban Development Authority & Anr. vs Gopi Chand Atreja, 2019 LawSuits (SC) 726 inter alia*** held that when the lawyer did not take timely steps for the party, resulting in causing delay in its filing/refiling, it cannot be recorded as sufficient cause within the meaning of Section 5 of the Limitation Act.

7. Bare perusal of Magisterial Trial Court reveals that only on 04/06/2024 complainant with Proxy Counsel appeared before Trial Court but then the adjournment was sought by complainant on the premise of non availability of main Counsel. Later thereto on dates of hearing 15/07/2024, 14/08/2024, 28/09/2024, 13/11/2024, 20/12/2024 and 20/01/2025 complainant did not appear before Magisterial Trial Court. Even neither Counsel nor Proxy Counsel for complainant appeared before Magisterial Trial Court on 13/11/2024, 20/12/2024 and 20/01/2025.

8. In view of law laid in cases (i) ***Sudarshan Sareen vs National Small Industries Corporation Ltd. & Anr., ILR (2014) II Delhi 933***; (ii) ***New Bank of India vs Marvels (India), 2001 SCC OnLine Del 523***; (iii) ***Badri Bhagat Jhandewalan Temple***

Society & Ors. vs Delhi Development Authority, 2003 (68) DRJ 787; (iv) Seema Sabharwal vs Kamal Sabharwal, 2023 SCC Online Del 6626; (v) Royal Sundaram General Insurance Company Limited vs Krishan Pal, 2023 SCC OnLine Del 2805 and (vi) Delhi Development Authority vs Bhasin Associates, 2004 (78) DRJ 153 (DB); since revisionist/complainant has not placed on record any material with respect to any complaint for misconduct of his previous Counsel before Bar Council of Delhi for his non appearance; but what has been put forth in the premise/grounds laid for impugning order dated 20/01/2025 of Magisterial Trial Court is that complainant was unable to attend the court proceedings regularly due to heavy burden of his business; no cogent explanation is there for his non appearance on dates of hearing and being not diligent, complainant/revisionist is liable to face consequences for his defaults.

9. The usual and stereotype explanation that complainant was busy in his business, hence could not appear before the Magisterial Trial Court, cannot be accepted on the face of it. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Business man cannot ask for liberal construction on the plea that delay occurred due to heavy burden of business. Failure of complainant to appear on so many dates of hearing, provided by the Magisterial Trial Court for appearance of complainant, depicts deliberate inaction, gross negligence and lack of bonafide of revisionist/complainant. It cannot come within the ambit of any illegality, incorrectness, impropriety and irregularity, calling for any interference; much less for setting aside the impugned order dated 20/01/2025 of

Magisterial Trial Court.

10. The impugned order dated 20/01/2025 of the Magisterial Trial Court was after there was deliberate inaction, gross negligence and lack of bonafide of revisionist/complainant in appearance before Magisterial Trial Court besides non appearance on 20/01/2025.

11. Revision petition is bereft of justifiable grounds as well as merits. Revision petition is dismissed accordingly.

12. Trial Court Record be sent back with copy of this order.

13. Criminal revision petition file be consigned to the Record Room.

**Announced in the open Court
today i.e. 23rd December, 2025**

**(Gurvinder Pal Singh)
Principal District & Sessions,
South District, Saket Courts, New Delhi (DK)**