

**IN THE COURT OF SHRI HASAN ANZAR,
SPECIAL JUDGE, PC ACT (CBI-03),
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

*CBI Vs. M/s Style Marketing Pvt. Ltd. & Ors.
Crl. Rev. No. 46/2026*

31.07.2026

Present : Sh. Raj Mohan Chand, Ld. SPP alongwith HIO Maldan for the CBI.

1. TCR received.
2. The ld. SPP for the CBI submits that the impugned order dated 23.05.2026 did not take into consideration the material available on record. He further submits that the perusal of the charge-sheet as well as the documentary evidences clearly suggest that there was diversion/siphoning of the loan amount. He further submits that once the loan amount is utilized for the purpose other than what it is sanctioned for, a prima facie case under sections 420 & 120B IPC is made out.
3. Without expressing any opinion on the contention advanced by the ld. SPP in reference to the present case. It is evident that the present petition is required to be considered on the merit.
4. At this stage, when the court is about to issue notice to the respondents, the ld. SPP for the CBI submits that under the scheme of BNSS/Cr.P.C, in case instituted on the police report, the prospective

..2..

accused are not required to be heard at the stage of the cognizance/revision against the order declining cognizance.

5. The submission of the ld. SPP for the CBI is liable to be rejected in view of the express provision u/s 442 (2) of BNSS/ 401 (2) Cr.P.C. The accused/prospective accused is not required to be heard in cases instituted on the police report at the time of taking cognizance by the ld. Trial Court. However, once an order declining to take the cognizance is passed, a benefit accrues in favour of the prospective accused or any other person. Section 442 (2) BNSS/ 401 Cr.P.C. mandates that no order can be passed to the prejudice of the accused or other person. It further mandates that an opportunity of being heard is required to be provided to such person or the accused.

6. The prospective accused or the person in whose benefit and order has been passed by the Court of Judicial Magistrate, is required to be heard in the revisional jurisdiction is well settled in **Santhakumari & Ors. vs. State of Tamil Nadu, Slp. CrI. No. 4230/2023, Manharibhai Muljibhai Kakadia & Anr vs Shaileshbhai Mohanbhai Patel & Ors (2012) 10 SCC 517 and Bal Manohar Jalan vs. Sunil Paswan, (2014) 9 SCC 640.**

7. In view of the above, issue notice of the revision petition to the respondents for **08.09.2026** to be served through concerned IO/SP

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through all permissible modes.

8. Copy of the order be given Dasti, as prayed.

(HASAN ANZAR)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/31.07.2026