

CrI. Revision Petition No. 02/2026
CNR No. DLCT11-000041-2026
KARNAIL SINGH
vs.
SATYENDER JAIN

20.04.2026

(HYBRID HEARING)

Present: Sh. Vinod Dahiya and Ms. Anupriya Poddar (through VC), Ld.
Counsels for the revisionist/Karnail Singh.
Sh. Dushyant Choudhary (through VC), Ld. Counsel for the
respondent Satyender Kumar Jain.

Order is in progress.

Be listed for orders on **30.04.2026**.

(Jitendra Singh)
Special Judge (PC Act) CBI-23
(MPs/MLAs Cases)
Rouse Avenue Court Complex,
New Delhi; 20.04.2026

Facts:

The present complaint has been instituted under Section 210(1)(a) read with Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”), in respect of a non-cognizable, bailable, and summons triable offence punishable under Section 356 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS”), against the accused, Sh. Karmail Singh.

The complainant, who is presently an ex-Member of the Legislative Assembly (MLA), was serving as an MLA from the Shakur Basti Assembly Constituency, Delhi, at the time of filing of the complaint. The proposed accused is currently serving as an MLA from the same constituency; however, he did not hold the office of either MLA or Member of Parliament at the time when the complaint was instituted.

It is alleged in the complaint that Shakur Basti is one of the 70 Assembly Constituencies constituting the Delhi Legislative Assembly and has been represented by the complainant, Sh. Satyendar Jain, since 2013. In the Delhi Legislative Assembly Elections, 2025, the said constituency witnessed a contest, inter alia, between the complainant, a candidate of the Aam Aadmi Party, and the accused, Sh. Karmail Singh, a candidate of the Bharatiya Janata Party. The elections were announced in January 2025, and during the course of the election campaign, the accused is alleged to have made statements of a defamatory nature against the complainant.

The present complaint came to be filed on 06.02.2025. The results of the said election were declared on 08.02.2025, wherein the accused emerged victorious, defeating the complainant, who secured the second position, by

a margin of 20,998 votes. Although the election results have not been specifically pleaded in the complaint or in the reply filed by the respondent, the same are matters of public record available on the official website of the Election Commission of India and are, therefore, liable to be taken judicial notice of by this Court.

Submissions by the Ld. Counsel for the revisionist:

Submissions by the Ld. Counsel for the respondent:

It is submitted that the present Criminal Revision Petition is misconceived and not maintainable either in law or on facts. The Petitioner/Revisionist seeks to challenge the order dated 06.01.2026 passed by the Ld. ACMM-01, Rouse Avenue District Courts, whereby cognizance was taken and summons were issued after due consideration of the material on record. It is further submitted that the petition is an attempt to invoke the limited revisional jurisdiction of this Hon'ble Court for purposes that are not legally permissible. The Petitioner/Revisionist seeks to raise defences which are premature and cannot be examined at the stage of summoning. It is well settled that the revisional court cannot undertake a roving inquiry or conduct a mini-trial while examining an order of cognizance. It is further submitted that the Ld. Trial Court, upon a careful consideration of the complaint, supporting material and pre-summoning evidence, rightly formed a prima facie opinion that offences under the Bharatiya Nyaya Sanhita, 2023 are made out. The court is only required to ascertain whether sufficient grounds exist to proceed, and not to evaluate the defence of the accused or adjudicate disputed questions of fact. It is further submitted that the defences sought to be raised by the

Petitioner/Revisionist are premature and untenable. They appear to have been raised only with a view to delay the proceedings. The statements in question were made with evident malafide intent and were calculated to harm the reputation and public standing of the Respondent.

It is further submitted that the Respondent is a three-time elected Member of the Legislative Assembly from the Shakur Basti Constituency, reflecting continued public confidence. During the 2025 Delhi Assembly Elections, both parties were contesting candidates against each other. On 19.01.2025, during the operation of the Model Code of Conduct, the Petitioner/Revisionist gave an interview to a news channel in which several statements were made concerning the Respondent. These included allegations of recovery of 37 kilograms of gold, involvement in corruption and money laundering, and branding the Respondent as a “Bhoo Mafia” who would be sent to jail again.

It is further submitted that these statements are demonstrably false. Even the material relied upon by the Petitioner/Revisionist indicates, at best, recovery of a limited quantity of cash and gold coins. The claim of “37 kilograms of gold” is an obvious exaggeration and a deliberate falsehood intended to mislead the public and damage the Respondent’s reputation. Aggrieved thereby, the Respondent issued a legal notice dated 28.01.2025. In the absence of any satisfactory response, a complaint was filed. Upon due consideration, the Ld. Trial Court took cognizance and issued summons.

It is further submitted that the impugned order reflects due application of mind. The contention that it is mechanical or lacks reasoning is misplaced. At the stage of summoning, the Magistrate is not required to

pass a detailed judgment; a prima facie satisfaction that sufficient grounds exist to proceed is sufficient. The distinction between “application of mind” and “length of reasoning” is well recognised. An order may be brief and yet reflect proper consideration of the material on record. Once the Magistrate has exercised judicial discretion, it is not for the revisional court to substitute its own view. A reading of the impugned order shows that the Ld. Trial Court identified the specific imputations, noted their publication through a public broadcast, considered their impact on the Respondent’s reputation, and formed a prima facie opinion that the offence of defamation is made out. These are the only requirements at the stage of cognizance, and they stand satisfied.

It is further submitted that the Trial Court was not required to consider the defence of the Revisionist or the applicability of any exception at this stage. Such issues fall within the domain of trial. The attempt to re-examine the material and dissect the impugned order amounts to an impermissible exercise in revisional jurisdiction.

On merits, a prima facie case of defamation is clearly disclosed. The statements are not mere expressions of opinion or political rhetoric, but categorical assertions of fact imputing serious criminal conduct. Such imputations would, in the eyes of a reasonable person, lower the Respondent’s reputation. The element of intent or knowledge is evident from the nature of the statements, the timing during an electoral contest, and their wide dissemination. A deliberate or reckless falsehood is sufficient to establish the necessary mens rea at this stage.

It is further submitted that the contention that the statements were based on material in the “public domain” is untenable. The mere

existence of information in the public domain does not justify its distortion or exaggeration. Republication of defamatory content constitutes a fresh cause of action. The Petitioner/Revisionist went beyond any alleged material and made exaggerated and unfounded claims. Reliance on pending proceedings or investigations is equally misplaced. The presumption of innocence is a fundamental principle of criminal law. Pending allegations cannot be treated as established facts or used to justify defamatory assertions. The plea of good faith is also unavailable. Good faith requires due care and verification prior to making any imputation. No such care is evident in the present case. The statements are unsupported by credible material and indicate malafide intent. The suggestion that others may verify the statements does not dilute their defamatory nature. The obligation to verify lies on the person making the allegation. A disclaimer cannot absolve liability for making false and damaging statements. The contention that the statements are protected as political speech is misconceived. While fair criticism is permissible, false imputations of criminal conduct are not protected. The right to freedom of speech is subject to reasonable restrictions, including defamation. The political rivalry between the parties further indicates the presence of malice. The statements were made during an ongoing electoral contest with the evident objective of gaining advantage by tarnishing the Respondent's reputation.

It is further submitted that the reliance on the limited exception permitting consideration of defence material at the threshold is misplaced. The material relied upon by the Petitioner/Revisionist is neither unimpeachable nor sufficient to demolish the case of the Respondent. It is disputed and incapable of displacing the allegations in the complaint. It is further submitted that no ground for interference is made out. The

impugned order is legal and in accordance with settled principles of law.
The present revision petition is liable to be dismissed.