

**IN THE COURT OF SH. SATISH KUMAR
SPECIAL JUDGE (PC ACT) (CBI)-16
ROUSE AVENUE DISTRICT COURTS, NEW DELHI**

**Rajesh Dhanda Vs. Shyam Prakash & Ors.
CNR No. DLCT11-000270-2026
Crl. Revision No. 18/2026
IA No. 01/2026
IA No. 02/2026
IA No. 03/2026
IA No. 04/2026**

In the matter of:-

Rajesh Dhanda,
S/o Sh. R. P. Dhanda, aged about 58 years,
R/o 19-A, Kitchlu Nagar, Ludhiana-141001, Punjab
Contact 98158-13955
Email: rajeshexports2018@gmail.com

..... Petitioner/Original complainant

Versus

- 1. Sh. Shyam Prakash**, DSP, CBI, ACB, New Delhi
- 2. Ms. Deepti Vashishta**, Systems Division/Programmer,
CBI, New Delhi
- 3. Sh. Shailesh Singh**, Sales Director, Cellebrite India
- 4. Sh. Adarsh Rathore**, Presales Engineer, Cellebrite India
- 5. Sh. Rajesh Kumar**, IO/SP, CBI, New Delhi
- 6. Sh. R. K. Tiwari**, IO, CBI, New Delhi
- 7. Other unknown public servants and private persons acting in concert**

..... Respondents

Date of Institution : 16.03.2026
Date of Arguments: 07.05.2026
Date of Order : 12.05.2026

Appearance:-

Sh. Rajesh Dhanda: Revisionist/complainant (himself)

ORDER

**REVISION PETITION UNDER SECTION 438 OF THE BHARTIYA
NAGARIK SURAKSHA SANHITA, 2023**

1. Vide this order, this Court shall decide the revision petition being filed by the revisionist/complainant as well as four interlocutory applications i.e. IAs No. 01/2026, 02/2026, 03/2026 and 04/2026 filed by the revisionist/complainant during the proceedings of this revision petition and to decide the instant revision petition as well as four interlocutory applications, succinctly, the brief material facts are that the revisionist/complainant has filed the revision petition under Section 438 of The Bhartiya Nagarik Suraksha Sanhita, 2023 against the impugned order in **Complaint Case No. 3/2026, titled as *Rajesh Dhanda Vs. Shyam Prakash & Ors.* decided by Ld. ACJM-02-cum-ACJ, Rouse Avenue District Court, New Delhi vide order dated 26.02.2026**, whereby the prayer made by the revisionist/complainant for registration of FIR against the respondents herein was declined with the observations by the Ld. Court of ACJM-02-cum-ACJ, Rouse Avenue District Court,

New Delhi that “the said court has no jurisdiction over any Police Station”.

2. That, the main grievance of the revisionist/complainant is that his application, whereby he has prayed for registration of the FIR against Sh. Shyam Prakash, DSP, CBI, ACB, New Delhi; Ms. Deepti Vashishta, System Division/Programmer, CBI, New Delhi; Sh. Shailesh Singh, Sales Director, Cellebrite India; Sh. Adarsh Rathore, Presales Engineer, Cellebrite India; Sh. Rajesh Kumar, IO/SP, CBI, New Delhi; Sh. R. K. Tiwari, IO, CBI, New Delhi and other unknown public servants and private persons, the same was dismissed by the Ld. Court of ACJM-02-cum-ACJ, Rouse Avenue District Court, New Delhi vide order dated 26.02.2026 on the ground of maintainability, without affording proper hearing to the petitioner.
3. That, it is stated in the revision petition that there is one fundamental error in the impugned order passed by Ld. ACJM-02-cum-ACJ, Rouse Avenue District Court, New Delhi that is apparent on the face of the record itself, without requiring any evidence or arguments whatsoever. The revisionist/complainant did not make any prayer at any place in the application which was dismissed by Ld. ACJM-02-cum-ACJ, Rouse Avenue District Court, New Delhi and nor seeks any direction to the CBI to investigate nor sought any direction against the CBI in any manner whatsoever and the prayer was sought only for issuance

of the directions for registration of the FIR arising from the complaint dated 03.02.2026 addressed to the SHO, Cyber Crime Police Station, New Delhi and prayer was made to issue the direction for preservation of digital evidence and there is no mention of CBI anywhere.

4. That, it has also been averred that the impugned order records all four judgments cited by the revisionist/complainant and states that the Ld. ACJM-02-cum-ACJ, Rouse Avenue District Court, New Delhi considered the submissions and went through the case file and the judgments relied upon. The impugned order nonetheless dismisses the application solely on the ground that a Magistrate cannot direct CBI to investigate under Section 156(3) Cr.PC and this was not the prayer made by the revisionist/complainant before the Court, who has passed the impugned order and there is a major contradiction on the face of the record itself and the impugned order has been passed without applying the judicial mind inasmuch as the Court of Ld. ACJM-02-cum-ACJ, Rouse Avenue District Court, New Delhi has not gone through the contents of the application made by the revisionist/complainant nor gone through the prayer made in their application. The impugned order addresses jurisdiction and holds that “***this court has no jurisdiction over any Police Station.***” But, does not contain a single word addressing or rejecting the Section 199 BNSS which was specifically argued by revisionist/complainant and if Ld. ACJM-02-cum-ACJ,

Rouse Avenue District Court, New Delhi had genuinely read and considered the application on the question of jurisdiction and the very ground on which the Ld. Trial Court dismissed the application without going through the Section 199 BNSS and the same is complete absence from the order on the question of jurisdiction and the prayer under Section 199 BNSS made by the revisionist/complainant has been ignored by the Court of Ld. ACJM-02-cum-ACJ, Rouse Avenue District Court, New Delhi and there is complete and irreconcilable mismatch between what was prayed in the application and what the impugned order is and the same itself is sufficient ground to set aside the impugned order. The instant revision petition has been filed with the following prayer:-

(a) Set aside the order dated 26.02.2026 passed by the Ld. ACJM-02-cum-ACJ, Rouse Avenue District Court, New Delhi in Ct. case No. 3/2026-*Rajesh Dhanda Vs. Shyam Prakash & Ors.*;

(b) Exercise its revisional jurisdiction and restore and allow the application under Section 175 (4) BNSS filed by the Petitioner in Ct. Case no. 3/2026, and direct:

(i) Registration of an FIR on the basis of the Petitioner's complaint dated 03.02.2026 address to SHO Cyber Crime in respect of cognizable offence disclosed therein, arising out of digital extraction, forensic handling, and custody irregularities relating to the seized device forming part of RC No. DAI-2019-A-0042 (ACB Delhi); and

(ii) Immediate preservation and securing of all digital evidence, including the seized devices, extracted images, storage media, forensic logs, vendor access records, hash records, forwarding memos, and complete chain-of-custody documentation;

(c) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

5. That, the notice of this revision petition was served upon the Ld. Senior PP for CBI and upon notice, the CBI has also filed the reply. However, the revisionist/complainant has stated that there is no role of the prosecution and the reply being filed by the prosecution i.e. CBI should not be taken on record. On the submission of revisionist, the reply being filed by the CBI is not taken on record nor the Ld. Senior PP for CBI argued on the revision petition. However, Ld. Senior PP for CBI has submitted that the Court may decide the revision petition on merit.

6. Be that as it may, it is the foremost duty of this court to decide the revision petition on merit. Therefore, the revisionist/complainant has been asked to argue on the revision petition.

7. Trial Court Record has been summoned. It is pertinent to mention that during the pendency of this revision petition, the

revisionist has filed four interlocutory applications. The same have also been taken on record.

8. That, perusal of the revision petition as well as four Interlocutory applications, this Court has come to the conclusion that the contents and prayer of the revision petition as well as the contents of the Interlocutory applications are more or less the same. Therefore, the revisionist has been asked to advance his arguments on the revision petition as well as on four Interlocutory application together.

9. That, arguments on the revision petition as well as four interlocutory applications being filed by the revisionist during pendency of this revision petition advanced by the revisionist/complainant have been heard. The Trial Court Record has also been perused.

10. Having heard the submission made by revisionist himself, this Court is of the considered view that the revisionist/complainant alleged to have been falsely implicated as an accused in CBI case RC 42(A)/2019, CBI/2/2023 and CBI/59/2024 and the same are pending before the Ld. Special Judge (PC Act), CBI, Rouse Avenue District Court, New Delhi. It is submitted by revisionist that he has been falsely implicated in the said case of CBI and because of that reason, he has filed a complaint case before the Court of ACJM-02, RADC, New

Delhi with the allegation that extortion has been made with him and the another allegation is that the fabrication of electronic evidence has been made by the CBI officials as arraigned before the ACJM-02, RADC, New Delhi as well as in this revision petition and all the respondents made herein misused and abused the official position on the ground that the revisionist is 58 years old citizen of India and a whistle-blower against large-scale economic fraud and Chairman of a renowned religious and social institution in Ludhiana.

11. That, it has been alleged before the Ld. Trial Court by the revisionist that he had discovered serious document-supported irregularities in the forensic evidence relied upon by the prosecution as Relied Upon Documents (RUDs) including:-

- (i) Unauthorised access to the Petitioner's sealed mobile phone by private Cellebrite vendor personnel on 26-27.11.2020 inside CBI Headquarters without any court order or judicial authorisation;
- (ii) Absence of cryptographic hash generation at the original extraction stage on 26-27.11.2020, permanently breaking the chain of digital integrity from seizure to court;
- (iii) An entire undisclosed inter-laboratory custody cycle involving State FSL Telangana bearing File No. COM/43/2020, suppressed from every prosecution document throughout the pendency of proceedings;

(iv) Reactive filing of a suppressed CFSL Report dated 26.09.2024 before the CBI Court on 12.02.2026-17 months after its preparation-triggered by the Petitioner's complaint dated 06.02.2026 to the DCP, Cyber Crime;

(v) Unlawful extortion demands of Rs. 1 crore made and withdrawal of WP (CRL) 1588/2021 by Accused Sh. Rajesh Kumar, SP, CBI, out of which Rs. 12.40 lakh was coerced and paid, validated independently by the Lokpal of India Full Bench Order dated 29.08.2024 in Complaint No. 170/2024.

12. It has also been averred in the revision petition that there was a demand of unlawful extortion of Rs. 1 crore by the IO and SP, CBI Sh. Rajesh Kumar and out of that Rs. 12.40 lakh was coerced and paid under duress, but the revisionist to comply with the balance demand through the said officer proceeded to file a fabricated chargesheet deploying tainted electronic evidence, the very digital forensic irregularities that form the subject matter of the application under Section 175(4) BNSS and the revisionist has been made as an accused not by reason of any act or omission on his part, but by reason of retaliatory fabrication following his refusal to submit the extortion.

13. It is pertinent to mention that the revisionist himself has mentioned in the revision petition as well as in the four interlocutory applications that he is accused in CBI case i.e. RC 42(A)/2019, CBI/2/2023 and CBI/59/2024 which are pending

before the Ld. Court of Special Judge (PC Act), CBI, Rouse Avenue District Court, New Delhi and he has made allegations that during the course of the investigation of that case in which charge sheet has been filed against him and his mobile phone was seized and data of the mobile phone was tempered by the respondent made herein inside the CBI Headquarters on 26-27.11.2020 without any court order.

This grievance of the revisionist is a justified one if any mobile data has been tempered. However, the appropriate forum to make his complaint is the Court concerned where the CBI cases are pending against the revisionist wherein he has been made as an accused and charge sheet has already been filed and revisionist is facing trial before Ld. Special Court. The said mobile if seized by the CBI during the investigation, then it is to be produced before the Court concerned at the stage of the evidence and every remedy is available with the revisionist, but that can be sought in the Court concerned where the trial is pending.

14. That, the grievance of the revisionist is that there is patent illegality on the face of the impugned order dated 26.02.2026 passed by the Ld. ACJM-02, RADC, New Delhi, whereas it has been held that a Magistrate in exercising of powers conferred upon him u/s 156 (3) Cr.PC cannot direct the CBI to conduct investigation into any offence and the impugned order has been passed completely against the prayer made by the revisionist in

the complaint being filed before the Ld. ACJM-02, RADC, New Delhi inasmuch as he has made the prayer that directions may kindly be issued to SHO, Cyber Crime Police Station, New Delhi to register the FIR against the respondent made herein on his complaint dated 03.02.2026 and no action has been taken on his complaint dated 03.02.2026 by the SHO, Cyber Crime Police Station, New Delhi and for that purpose, he has moved the complaint before the Ld. ACJ-02, RADC, New Delhi and there is also a patent illegality in the impugned order dated 26.02.2026 that the Magistrate Court does not have the jurisdiction to direct the CBI in exercising of powers conferred under Section 156(3) Cr.PC for conducting investigation and Ld. Trial Court has passed the impugned order that the Court has no jurisdiction over any Police Station and the Ld. Trial Court has pleased to dismiss the said application.

15. That, perusal of the grounds of the revision petition as well as the Trial Court Record and the impugned order as well as the interlocutory applications and having heard the submission made by the revisionist himself at length, this Court is of the considered view that there is no irregularity or illegality in the impugned order dated 26.02.2026 passed by the Ld. Trial Court and the order is completely justified and in accordance with the provisions of law inasmuch as the complaint filed by the revisionist/ complainant before the Ld. Trial Court is against the CBI officials and the said Court has no jurisdiction to issue

directions to the SHO, Cyber Crime Police Station, New Delhi and also has no jurisdiction to issue directions to register FIR against the CBI officials/officers.

16. It is also pertinent to mention that it appears that the revisionist has filed the complaint before the Court of Ld. ACJM-02, RADC, New Delhi just to delay the proceedings/trial which is pending against him in the Ld. Special Court and it also appears that the revisionist wants to dilate the issue which is pending in the Ld. Special Court, wherein he is made as an accused in CBI cases where the charge sheet has already been filed.

17. It is also pertinent to mention that the best appropriate remedy available with the revisionist has also been exhausted inasmuch as he has made a complaint in respect of allegedly making extortion by the CBI officials and for tempering the electronic evidence and to misuse and circulate the electronic data which was stored in his mobile phone and the Hon'ble Lokpal of India is having the superior jurisdiction over and above this Court and vide order dated 29.08.2024 as annexed by the revisionist himself with this revision petition reveal that considering the submission made by the revisionist, Hon'ble Lokpal of India directed the Director, CBI to cause a Preliminary Inquiry through the Vigilance Branch of CBI under Sections 20(1)(a) of the Lokpal and Lokayuktas Act, 2013 and submit a

report within a period of four weeks from the date of receipt of the order. The Hon'ble Lokpal of India has passed the order and has recommended in for the immediate transfer of the named public servant from his present place of posting till the completion of the Preliminary Inquiry or till any further order is passed by the Lokpal of India so that he does not influence the Preliminary Inquiry. It has also been directed that the supervisory officer of the named public servant shall ensure that the relevant records/documents as mentioned in the complaint are not altered or tempered with and are kept in safe custody for being made available to the Inquiry Officer.

Perusal of Para No. 5 of the order passed by the Hon'ble Lokpal of India also reveals that the AIG(P) of CBI vide letter dated 20.08.2024 has requested the Lokpal of India to provide the digital evidence such as phone recording, screenshots and location from google map to the Inquiring Agency, which are in the possession of the complainant, so as to enable a full and proper inquiry into the allegations made in the complaint and these directions were passed vide order dated 29.08.2024 passed by the Hon'ble Lokpal of India.

The matter was again listed on 13.09.2024 as mentioned in para 10 of the said order.

18. That, during the course of the arguments of the revision petition advanced by the revisionist himself, this Court has asked the revisionist as to why he has not placed on record the order

dated 13.09.2024 passed by the Hon'ble Lokpal of India, then he has replied that the said order is not available on the internet nor the same has been supplied to him and it has also been submitted by the revisionist that all the orders passed by the Hon'ble Lokpal of India are to be kept secret and the order cannot be made public.

Again, the Court has asked if the order passed by the Hon'ble Lokpal of India are kept secret, then how the revisionist has procured the order dated 29.08.2024 passed by Hon'ble Lokpal of India, then the same has not been answered by the revisionist and it appears that there must be some effective order passed by the Hon'ble Lokpal of India on dated 13.09.2024 and it also appears that revisionist intentionally and deliberately has not placed on record the order of Hon'ble Lokpal of India dated 13.09.2024.

That, the allegations as alleged or otherwise of tempering the mobile data by the revisionist ought to have made in the complaint made by him to the Hon'ble Lokpal of India inasmuch as the mobile was seized by the CBI during investigation on dated 26-27.11.2020 and he has made a complaint before the Hon'ble Lokpal of India on 29.08.2024 wherein the revisionist has made all the allegations against the CBI officials and he ought to have brought to the notice of the Hon'ble Lokpal of India in respect of tempering of electronic data from his mobile phone seized by the CBI.

19. That, since the adequate and appropriate remedy available with the revisionist has already been exhausted and there is no substance in this revision petition as well as in the four interlocutory applications filed by the revisionist during the course of pendency of the revision petition and this Court has also no reason to interfere with the impugned order dated 26.02.2026 passed by the Ld. Court of ACJM-02, RADC, New Delhi and this Court has also noticed that the revisionist is having an habit to file the interlocutory applications one after the other just to delay the proceedings and perusal of the same, it reveals that the prayer in the revision petition as well as in the interlocutory applications are more or less the same and it appears that his only purpose is to delay the proceedings of the trial where he has been made as an accused by the CBI and in which the charge sheet has already been filed. The revision petition as well as four interlocutory applications filed by the revisionist are appears to be meritless. **Therefore, the revision petition as well as four interlocutory applications are hereby stands dismissed.**

The revision petition as well as four interlocutory applications stands disposed of accordingly.

The trial court record with copy of this order be sent back to the concerned court. The revision file be cosigned to the Record Room.

**Announced in the open
Court today i.e. 12.05.2026**

**(Satish Kumar)
Spl. Judge (PC Act) (CBI)-16
Rouse Avenue District Court/Delhi**