

14.08.2026

Present: None for revisionist

1. The present criminal revision has been preferred under Section 438 BNSS assailing the order dated 19.03.2026 passed by the learned Trial Court whereby the complaint filed by the revisionist under Section 200 CrPC came to be dismissed under Section 203 CrPC after recording pre-summoning evidence.

2. Since none appeared on behalf of revisionist to argue the present petition, therefore, same is being disposed of on the basis of material available on record.

3. The case of the revisionist, as set out in the complaint, is that respondent Nos.2 to 4 induced him to invest in the business of respondent No.1 by assuring huge monetary returns. It is alleged that acting upon such representations, he paid a sum of Rs.3,42,800/- towards joining charges and was thereafter supplied products whose actual value was substantially lower than the amount represented by the respondents. It is further alleged that despite repeated assurances regarding return of the invested amount, the respondents neither refunded the money nor fulfilled their promises and also extended threats to the revisionist. The grievance of the revisionist is that the learned Trial Court failed to appreciate these allegations and

erroneously dismissed the complaint despite sufficient material to summon the proposed accused persons.

4. It is averred in the petition that impugned order is contrary to law and facts, ignores the pre-summoning evidence and proceeds on conjectures and surmises. It was further averred that at the stage of summoning the Court is only required to ascertain whether a prima facie case exists and not to conduct a detailed appreciation of evidence.

5. That apart, it has been stated in the petition that Ld. Magistrate failed to appreciate the statements of CW-1, CW-2 and CW-3 and wrongly discarded the complaint merely because documentary proof of payment had not been filed. It was lastly stated that the allegations clearly disclose dishonest inducement from the very inception and therefore the dispute cannot be treated as one of a purely civil nature.

6. Record perused.

7. The scope of interference in revisional jurisdiction is well settled. Unless the order under challenge suffers from patent illegality, material irregularity, perversity or jurisdictional error, the Revisional Court would not ordinarily substitute its own opinion for that of the Trial Court.

8. A perusal of the impugned order reveals that the learned Trial Court has assigned cogent reasons for dismissing the complaint. The learned Magistrate has specifically observed that although the complainant alleged payment of Rs.3,42,800/- to the proposed accused persons, no documentary proof of such payment was produced. The complaint was also found to be silent regarding the mode of payment and the material particulars of the alleged transaction. Further, the learned Magistrate noticed that there was no independent material directly connecting the proposed accused with the alleged acts constituting the offence.

9. The learned Trial Court has also examined the testimony of CW-2 and CW-3 and recorded a finding that neither of them claimed to be present at the time of the alleged payment or delivery of the products. Their statements were found to be substantially similar and not furnishing independent corroboration of the complainant's version. On that basis, the learned Magistrate concluded that the evidence produced during pre-summoning stage was insufficient to constitute sufficient grounds for proceeding against the proposed accused.

10. Having examined the record, this Court does not find that the appreciation undertaken by the learned Trial Court suffers from perversity or patent illegality. The reasons assigned are neither

arbitrary nor based on irrelevant considerations. Merely because another view may also be possible on the material available would not justify interference in exercise of revisional jurisdiction. The grounds urged in the revision petition essentially seek a re-appreciation of the pre-summoning evidence, which is beyond the limited scope of revision in the absence of any manifest illegality or miscarriage of justice.

11. Accordingly, this Court is of the considered opinion that the impugned order dated 19.03.2026 does not warrant interference. The revision petition is devoid of merit and is hereby dismissed.

12. The impugned order dated 19.03.2026 is affirmed.

13. Trial Court Record be sent back forthwith along with a copy of this order.

14. Revision file be consigned to the Record Room after due compliance.

**(Anuj Agrawal)
ASJ-03 (South East)
Saket Courts, Delhi/14.08.2026**