

IN THE COURT OF SH. MOHAMMAD EHTESHAM:
ADDITIONAL SESSIONS JUDGE-05 : SOUTH EAST,
SAKET COURTS : NEW DELHI

CNR No.DLSE01-007077-2026

Cr Rev No. 327 / 2026

In the Matter of:

Pradeep Kumar

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Revisionist.

S/o: Mr. Ram Kumar

R/o: H. No. 24, Type-III,

Police Colony,

New Delhi

versus

The State (NCT of Delhi)

-

Respondent.

Date of Filing of Revision Petition : **04.06.2026.**

Arguments Heard on : **17.08.2026.**

Date of Pronouncement : **17.08.2026.**

ORDER

1. The present Revision Petition has been filed by the Revisionist/Petitioner Pradeep Kumar (SI in Delhi Police) under section 397 of the Cr.PC r/w section 203 Cr.PC against the order dated 02.06.2026 passed by Sh. Rahul Jain, Ld. JMFC-01, South-East, Saket Courts, New Delhi in FIR No. 87/2018, PS- Lodhi

Colony titled as 'State vs. Untrace', whereby the application for cancellation of NBWs issued against the revisionist/petitioner Pradeep Kumar and waiver of cost, was partly allowed by the Ld. JMFC cancelling the NBWs against the petitioner, however a cost of Rs.2,000/- was imposed upon the revisionist/petitioner.

2. It has been submitted on behalf of the revisionist / petitioner that he is the Investigating Officer (IO) in the case FIR No. 87/2018, PS-Lodhi Colony; that vide order dated 02.06.2026, the Ld. Trial Court had cancelled the non-bailable warrants (NBWs) issued against him but imposed cost of Rs.2,000/- and rejected the prayer of waiver of costs. The petitioner/revisionist further submits that his conduct in not remaining adequately apprised of the facts of the case and his absence on certain dates was neither intentional nor deliberate; that the petitioner candidly acknowledges his lapse and expresses sincere regret for the inconvenience caused to the Ld. Trial Court; that the petitioner has served in the Delhi Police with dedication and the imposition of costs, coupled with the observations in the impugned order, is likely to adversely affect his service record and career prospects; that the petitioner has never intended to delay the proceedings and assures that he shall remain present as and when directed and shall be fully prepared with the case record and facts on

all future dates. The revisionist/petitioner undertakes that he shall remain present before the Ld. Trial Court as and when directed to; that the he shall remain fully conversant with the facts an status of the case on every date of hearing; that he shall ensure that no such lapse or negligence occurs in future; and that he tenders his unconditional apology to the Ld. Trial court for the inconvenience caused.

3. Submissions heard. I have also perused the TCR including the impugned order.
4. As per the impugned order dated 02.06.2026, an application for cancellation of NBW and waiver of cost was filed by the IO/ revisionist/petitioner Pradeep Kumar before the Ld. Trial Court, stating therein that he could not apprise the facts on the last date and thus the cost was imposed; that the cost would reflect adversely on the service record of the applicant; and that he assured that he would be ready with the facts on the next date of hearing before the Ld. Trial Court.
5. On the above application of the applicant/petitioner, the Ld. Trial Court cancelled the NBWs against the applicant/petitioner vide the impugned order dated 02.06.2026 but subject to payment of cost of

Rs.2,000/- to be paid by the applicant/petitioner in the court keeping in view the previous conduct of the applicant/petitioner.

6. While the Ld. Magistrate was justified in noting the previous conduct and imposing some cost to ensure diligence, the enhancement of Rs.2,000/- and rejection of waiver without considering the IO's subsequent appearance, readiness to proceed and potential service record impact, renders the order disproportionate in the present facts.
7. This Court also note that repeated absence, failure to seek exemption, unprepared appearance before the court and leaving court without intimation, are serious lapses on the part of the IO/revisionist as the such conduct wastes judicial time, delays trial and undermines the credibility of the investigating agency.
8. However, considering the overall facts and circumstances, the submissions and the material available on record and purely in the interest of justice and also considering the possible impact on the service of the IO/petitioner, the present Revision Petition is **allowed** with a strict warning to the petitioner/ revisionist to be more careful in future in attending the Ld. Trial Court on each and every date of

hearing as and when called by the court and to apprise the complete and relevant facts of the concerned matter to the Ld. Trial Court.

9. The Revision Petition stands **disposed of** in above terms.

10. The record of the Court of Ld. Magistrate be sent back along with the copy of this order.

11. The Revision File be consigned to **record room**.

*(Pronounced in the Open Court
on this 17th Day of August 2026).*

(Mohammad Ehtesham)
Additional Sessions Judge-05
South-East, Saket Courts
New Delhi