

Cr Rev/157/2026

Indostar Capital Finance Limited
Vs.
Suman Kumar Das



IN THE COURT OF SAURABH PARTAP SINGH LALER, ASJ-05,
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI

Cr Rev/157/2026

IN THE MATTER OF:

M/s Indostar Capital Finance Limited
Branch Office at: 204, Padma Tower-2,
Rajendra Place, New Delhi – 110008

.....Revisionist / complainant
(represented by Sh. Anirudh Bhardwaj / Sh. Vimal Khurana,, Ld. Counsel)

VERSUS

Suman Kumar Das
Sukanta Pally, Polytechnic Gate,
Asansol (M), Dakhin, Dhadhka Dakhin Dhadka,
West Bengal-713302.

.....Respondent/ accused

CRIMINAL REVISION PETITION UNDER SECTION 438 OF THE BNSS
AGAINST THE IMPUGNED ORDER DATED 28.06.2025.

Date of arguments : 23.03.2026
Date of pronouncement : 23.03.2026

JUDGMENT



1. INTRODUCTION: A TALE OF DILATORINESS WRIT LARGE :

1.1. Justice, it is said, must not only be done — it must be seen to be done, and done in time. Courts of law are not museums of deferred remedies, nor are their dockets the burial grounds of neglected rights. The present criminal revision petition, filed under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 397 Cr.P.C., arrives before this Court carrying on its face the unmistakable marks of a litigant who has, at every stage, treated the process of law with a conspicuous absence of urgency, diligence, or even basic regard for the discipline that judicial proceedings demand.

1.2. Before this Court is a revisionist — M/s Indostar Capital Finance Limited, a Non-Banking Finance Company — who had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 before the learned trial court in November 2024, alleging dishonour of a cheque. The law governing such proceedings demands, as indeed logic and the requirements of justice would also demand, that the very instrument whose dishonour is complained of — the cheque — must be placed before the Court in its original form. Yet, remarkably, the revisionist-complainant, over the course of several months and multiple opportunities afforded by the trial court, found it beyond its ability to place on record so fundamental a document as the original cheque.

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1.3. If the conduct before the trial court were a chapter of a cautionary tale, the conduct before this revisional court writes an even more instructive sequel. The revision petition has been filed nearly nine months after the impugned order; the condonation application seeks pardon for a mere thirty days of delay, oblivious — or worse, contemptuous — of the stark arithmetic of limitation; the petition was drafted in August 2025 but lay dormant in the counsel's chambers till March 2026; and even the reasons offered for the delay do not withstand the most elementary scrutiny. This Court, entrusted with the duty of examining whether the trial court committed patent error, finds itself compelled to record, at the outset, that the present revision reflects not the grievance of an aggrieved litigant seeking justice, but the belated salvage effort of a party that has consistently shown a studied indifference towards its own legal rights.

2. THE IMPUGNED ORDER — REPRODUCED VERBATIM

2.1. Before proceeding further, it is necessary to reproduce, verbatim, the impugned order passed by the learned JMFC-01 (NI Act), Patiala House Courts, New Delhi on 28.06.2025, which reads as under:

“Matter is at the stage of consideration.

Physical file has not yet been filed by the complainant despite giving three opportunities.

No original documents are shown which are necessary for the purpose of summoning, to ascertain that complainant is the holder of the cheque/mandate, to ascertain that e-filed documents are the genuine one

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and not the forged/self made and to avoid the duplicacy of the proceedings.

Therefore the undersigned decline taking of cognizance as well as the matter is dismissed for non prosecution because six dates have already been given.

File be consigned to Record Room after due compliance.”

2.2. The above order speaks for itself in its simplicity, its directness, and its correctness. The learned Magistrate, confronted with a situation where, despite multiple opportunities spread over several months, the complainant had not cared to file even the original documents that form the very soul of a complaint under Section 138 NI Act, had no option but to decline cognizance and dismiss the complaint for non-prosecution.

3. THE CHRONOLOGY OF DELAY: FACTS THAT SPEAK LOUDER THAN EXCUSES

3.1. An examination of the relevant dates reveals a chronicle that is as illuminating as it is distressing for the revisionist's cause:

- i. 23.11.2024 — Complaint filed before the trial court;
- ii. 11.12.2024 — First date of hearing; matter registered and listed for further proceedings;
- iii. 16.05.2025 — Original documents not filed on the ground that the matter was "*inadvertently omitted*" from the counsel's court diary due to clerical lapse;

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- iv. 28.06.2025 — Original documents again not filed on the ground that the case file was *"inadvertently placed in another court's record."* Impugned order passed;
 - v. 21.07.2025 — Certified copy of the impugned order obtained (as per the record);
 - vi. 28.08.2025 — Revision petition drafted and signed (as evidenced by the date on the revision petition itself);
 - vii. 13.02.2026 — Revision petition e-filed (as per the e-filing acknowledgment bearing No. ADL20230014706C202600039); and
 - viii. 23.03.2026 — Revision petition registered/numbered in this Court;
- 3.2. The law prescribes a period of ninety days for the filing of a criminal revision petition computed from the date of the impugned order. Reckoning ninety days from 28.06.2025, the last date for filing the revision would have been on or about 26.09.2025. The revision has been filed on 23.03.2026 — a delay of well over one hundred and seventy-six days beyond the prescribed period, or approximately nine months after the passing of the impugned order.
- 3.3. If, for the sake of abundant charity, one were to compute the period from the date of obtaining the certified copy — 21.07.2025 — the ninety-day period would expire on or about 18.10.2025. Even then, the revision



was filed on 23.03.2026, a delay of well over one hundred and fifty-six days beyond even that extended reckoning. Against this vast sea of delay, the revisionist's counsel has sought condonation of a paltry thirty days — an application that, on first reading, occasions disbelief, and on second reading, occasions dismay.

4. THE APPLICATION FOR CONDONATION OF DELAY: AN EXERCISE IN UNPERSUASION

- 4.1. Section 5 of the Limitation Act, 1963 confers upon courts the power to condone delay where the applicant satisfies the court that it had "*sufficient cause*" for not preferring the application within the prescribed period. The expression "*sufficient cause*" has been interpreted liberally by the Supreme Court. Yet liberality of approach is not the same as abdication of judicial scrutiny. As the Supreme Court cautioned in **State of Nagaland v. Lipok AO**, (2005) 3 SCC 752, "*the words 'sufficient cause' cannot be construed liberally to such an extent as would amount to obliterating the bar of limitation.*" Similarly, in **Anshul Aggarwal v. New Okhla Industrial Development Authority**, (2011) 14 SCC 578, the Supreme Court reminded that the purpose of limitation is to create a sense of urgency in litigation.
- 4.2. The condonation application states — in its entirety — that the applicant's office was "*undergoing shifting from its existing premises to a*

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new office location" and that "*the process of relocation involved movement of records, reorganization of files, and setting up of infrastructure.*" On this basis, condonation of "*approximately 30 days*" has been sought. This Court finds the application fatally deficient for the following reasons:

- i. **Absence of Specific Facts:** The application does not disclose the address of the premises from which the office was shifted, the name of the premises to which it was shifted, the date on which shifting commenced, the date on which it was completed, or any other specific factual detail. An application for condonation of delay is not a flight of generality; it must contain concrete, verifiable facts. Vague averments of office shifting, unsupported by dates, locations, or corroborative material, do not constitute "sufficient cause" in the eye of law.
- ii. **Contradiction by Internal Record:** The revision petition bears the date 28.08.2025, and the accompanying affidavit was solemnized before a Notary on 04.09.2025. This irresistibly demonstrates that the revision was fully drafted, finalized, and sworn to well within or close to the limitation period. If the revision was ready by August 2025, the claim that office shifting in late 2025 and into 2026 prevented filing is not only unsubstantiated but logically untenable. The revision was

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prepared first, and the "*event*" (office shifting) is cited as the reason for not filing what was already lying in readiness for more than six months. The counsel drafted the revision but did not file it. That inaction is indolence, not misfortune.

- iii. **Arithmetical Impossibility:** Even proceeding on the assumption that the thirty-day condonation were granted, the revision petition would still be hopelessly beyond the period of limitation. If ninety days run from 21.07.2025 (certified copy), limitation expires on 18.10.2025. Add thirty days by way of condonation — the outer boundary extends to 17.11.2025. The revision, filed on 23.03.2026, is a further four months beyond even this extended hypothetical boundary. Condonation of thirty days cannot serve as a bridge across a chasm of nearly six months. The application is an arithmetical absurdity.
- iv. **The Long Silence Between Draft and Filing:** No explanation whatsoever has been offered for the six months of silence between August 2025 (when the petition was complete) and February 2026 (when it was e-filed). Courts have consistently held that where a petition lies in readiness and is not filed without adequate explanation, the delay cannot be condoned as a matter of grace. For all the above reasons, the application for condonation of delay is DISMISSED as devoid of merit. The revision petition, being filed beyond the period



of limitation without sufficient cause having been established, is liable to be dismissed on the ground of limitation alone.

5. ON MERITS: A REVISIONAL COURT'S CIRCUMSCRIBED GAZE :

Even if, by a stretch of legal imagination, the limitation issue were set aside, this Court finds — and must record — that the revision petition has no merit on its substantive grounds either.

5.1. The jurisdiction of a revisional court under Section 438 BNSS/Section 397 Cr.P.C. is not the wide, roving jurisdiction of an appellate court. It is a narrow, focused jurisdiction, trained on the question of whether the court below has acted without jurisdiction, or has exercised jurisdiction illegally or with material irregularity, or has committed a patent error of law that has caused a failure of justice. As the Supreme Court held in **Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460**, revisional jurisdiction can be exercised only when there is a legal infirmity of a manifest nature in the order under challenge. The revisional court does not sit in judgment over every procedural ruling of the trial court as if it were exercising original or appellate jurisdiction.

5.2. **Ground A & B — Bona Fide Mistake / Counsel's Diary Omission:** The revisionist places reliance on **Rafiq v. Munshilal, (1981) 2 SCC 788**, for the proposition that a litigant should not be penalized for the fault of his lawyer. The principle is humane and salutary. But it was never intended

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to provide a permanent shield behind which a party may indefinitely avoid compliance with the directions of a court. The learned trial court, with commendable patience, gave the complainant a further opportunity on 16.05.2025 instead of dismissing the matter. It is that precious opportunity — the last of many — which was again allowed to go waste on 28.06.2025. A court of law cannot be expected to remain an eternal well of indulgence from which a litigant may draw succor time and again without consequence.

5.3. **Ground C — Recovery of Misplaced File:** It is urged that the original case file has now been traced and recovered. That this recovery occurred after the impugned order is entirely beside the point. Revisional jurisdiction scrutinizes the legality of what the court below did on the material before it at the relevant time. Post-order developments, whatever their significance, cannot retroactively taint the trial court's order with patent illegality.

5.4. **Ground D & E — Procedural Dismissal / Non-examination of Merits:** It is argued that the impugned order is merely procedural. This Court is not unmindful of the principle that substantive rights of action should not, in the ordinary course, be annihilated on purely procedural grounds. But where a complainant has been given not one, not two, but a series of opportunities — the learned trial court itself noted that *"three*



opportunities were given" — and has failed on every occasion to comply with the most basic requirement, the court's declining of cognizance is a measured, justified response to persistent non-compliance, not a procedural harshness.

5.5. The requirement of original documents at the pre-cognizance stage — as the learned Magistrate noted with clarity in the impugned order — is to "*ascertain that the complainant is the holder of the cheque/mandate*" and "*to ascertain that e-filed documents are the genuine ones and not the forged/self-made.*" Without the originals, the court cannot take cognizance with any degree of confidence in the authenticity of the complaint. The requirement is not a technicality; it is a safeguard of substantive importance against fictitious, fabricated, or duplicated proceedings.

5.6. The revisionist's conduct, viewed in totality, reflects an absolute want of diligence. The complaint was filed on 23.11.2024. Over seven months and multiple dates elapsed without the complainant producing its own original documents. Even after the impugned order, the revisionist allowed the completed revision to lie unattended for six months. This continuing, pervasive lack of seriousness pervades every chapter of this litigation and confirms that the impugned order was an entirely warranted judicial response.

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5.7. This Court, in the exercise of revisional jurisdiction, finds no patent error, no illegality, and no material irregularity in the order passed by the learned JMFC-01 dated 28.06.2025. The impugned order is upheld.

6. CONCLUSION AND OPERATIVE ORDER

6.1. For the reasons recorded at length in the preceding paragraphs, this Court holds and directs:

- i. The Application for Condonation of Delay filed under Section 5 of the Limitation Act, 1963 is **DISMISSED**. No sufficient cause has been shown for the inordinate delay of over nine months. Even if the prayed-for thirty days of condonation were to be granted, the revision would still remain well beyond the period of limitation. The revision petition is accordingly barred by limitation.
- ii. Even on merits, the revision petition discloses no grounds warranting interference under revisional jurisdiction. The impugned order dated 28.06.2025 passed by Ld. JMFC-01 (NI Act), Patiala House Courts, New Delhi in CC NI Act No. 63629/2024 is not vitiated by any patent error of law or manifest illegality. The learned trial court was correct — or at the very least not patently wrong — in declining cognizance and dismissing the complaint for non-prosecution.
- iii. The Criminal Revision Petition and the Application for Condonation of Delay are accordingly **DISMISSED**.



- iv. However, it is clarified that the dismissal of the complaint under Section 138 NI Act does not extinguish the civil obligation, if any, of the respondent-accused to repay the amounts in question. The law provides adequate civil remedies for recovery of dues, and the revisionist-complainant shall be at liberty to pursue appropriate civil proceedings for recovery of the amount in question before the competent civil forum, in accordance with law, if so advised. This liberty is granted keeping in mind that the dismissal has occurred solely on account of the complainant's own default and not on any finding as to the merits of the underlying claim.
- v. Before parting with this matter, this Court deems it necessary to observe that the conduct of the revisionist-complainant — both before the learned trial court and before this Court — is, by any measure, a fit case for the imposition of costs. A corporate entity of the stature of a Non-Banking Finance Company, possessed of a dedicated legal department, empowered attorneys, and an organised infrastructure of legal representation, is expected to prosecute its cases with a degree of diligence and seriousness commensurate with its institutional standing. Courts are not meant to be treated as repositories of last resort, to be approached only after every opportunity has been squandered and every deadline ignored. The precious time of the



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court, the resources of the judicial system, and the right of the respondent to have finality in proceedings are all casualties of the kind of dilatoriness that this matter has exhibited. However, this Court, in the hope — that the revisionist-complainant, being a corporate entity operating across multiple jurisdictions and courts, shall henceforth bring to all matters before courts the care, promptness, and institutional discipline that its standing demands, refrains from imposing costs on this occasion.

vi. A copy of this order be sent to Ld. Trial Court, with Trial Court Record, if any.

**Announced in Open Court
on this 23rd day of March, 2026.**

**(SAURABH PARTAP SINGH LALER)
ASJ-05/New Delhi District
PHC / New Delhi / 23.03.2026**