

**IN THE COURT OF MS. SHILPI JAIN, ADDITIONAL
SESSIONS JUDGE-02, TIS HAZARI COURTS, DELHI**



CNR No.DLCT01-001691-2026

Criminal Revision No. 63/2026

Sheela & Anr. Vs. Vinod Kumar Sharma

IN THE MATTER OF :

- 1. Sheela
W/o Sh. Kartar Singh
R/o 3170-72, 2nd & 3rd Floor, Lal Darwaza,
Bazar Sita Ram, Delhi – 110006.**
- 2. Poonam
W/o Sh. Sudhir Sharma,
R/o 3170-72, 3rd Floor, Lal Darwaza,
Bazar Sita Ram, Delhi - 110006.**

....Revisionists/Petitioners

VERSUS

**Vinod Kumar Sharma
S/o. Late Sh. Mahadev Prasad Sharma
R/o. 3170-72, 3rd Floor, Lal Darwaza,
Bazar Sita Ram, Delhi - 110006.**

....Respondent

DATE OF INSTITUTION : 28.01.2026

DATE OF JUDGMENT : 12.03.2026

JUDGMENT

Vide this order, this Court shall decide revision petition under Section 438/440 BNSS (397/399 Cr.PC) moved on behalf of revisionist against the impugned order dated 15.11.2025 passed by Ms. Preeti Rajoria, Ld. JMFC-07, District Central, Tis Hazari Courts, Delhi in case titled as “*Vinod Kumar Sharma Vs. Sheela & Ors*” whereby revisionists were summoned as accused for the offence under Section 323/326B/506/34 IPC.

1. It is averred that vide order dated 15.11.2025, Ld. Trial Court has issued summons to the revisionist herein for offence under Sections 323/326B/506/34 IPC.

2. It is further averred that feeling aggrieved and dissatisfied from the above said impugned order dated 15.11.2025, the revisionists preferred the instant criminal revision to assail the legality, correctness and propriety of the same inter-alia on the following grounds :-

GROUNDS

3. It is submitted that the impugned order is contrary to the facts of the case as well as law of land and the same has been passed in the routine and mechanical manner without applying the judicious mind.

4. It is further submitted that the Ld. trial court has not appreciated that respondent in a habitual litigant who has falsely implicated revisionists herein in order to grab the property of

petitioners at through away price.

5. It is further averred that respondents failed to inform the Ld. ASJ about the incident despite the fact that proceedings were pending over there.

6. Trial Court failed to appreciate that there is no corroborative evidence, no public witness, no CCTV footage, no specific time, chamber number of counsel of respondent is also not mentioned and there is no status report in the present matter.

7. It is further averred that there is unexplained delay of 3 days in reporting the matter to the police officials.

8. It is further averred that Trial Court has not considered the age of the petitioner and the respondent.

9. It is further averred that alleged liquid has not been in any manner proved to be called as acid.

10. It is further submitted that the petitioner has not filed any other similar revision petition before any other Court.

11. It is thus prayed that order dated 15.11.2025 be set aside.

12. Ld. counsel for revisionists has relied upon judgment titled as “*M/s Pepsi Food Limited & Anr. Vs. Special Judicial Magistrate & Ors. dated 04.11.1997*”.

13. In reply filed on behalf of respondent, he vehemently opposed the present revision petition and submitted that it is filed merely to delay the proceedings. It is further submitted that

present revision petition is not maintainable as it is filed against an interlocutory order. It is further submitted that impugned order was rightly passed by the Trial court after considering facts and circumstances of the case and material on record. It is further submitted that Trial Court has duly considered the testimony of CW-1/complainant and documentary evidence.

14. It is further submitted that scope of interference in revision petition is narrow and limited only for the purpose of considering correctness, legality or propriety of any finding inter se an order and as to the regularity of the proceedings of any inferior court. It is further averred that the revisional court does not dwell at length upon the facts of the case.

15. It is prayed that the revision petition filed by the revisionist be dismissed with cost.

16. I have heard the arguments of both the parties and perused the record carefully.

17. Revisionist has filed the present revision petition against impugned order dated 15.11.2025 passed by Ld. Trial court, whereby trial court took the cognizance of alleged offence and summoned revisionists.

18. It is submitted by Id. Counsel for the revisionists that Ld. Trial Court failed to appreciate facts and circumstances of the case in hand as well as material and evidence before the Court and passed the summoning order in mechanical manner without appreciating the material on record.

19. Before proceedings further, it is necessary to go through the impugned order dated 15.11.2025 passed by Ld. Trial court which is reproduced as under:-

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CC No.1386-2022

VINOD KUMAR SHARMA Vs. SHEELA AND ORS

/2022 (Subzi Mandi)

15.11.2025

Present: Complainant with Ld. counsel Sh. R.K. Tarun.

Matter is listed for orders on summoning today. Arguments were heard on behalf of the complainant on last date of hearing.

Briefly stated, the facts of the matter are that the complainant is residing at the third floor of 3170-72, Lal Darwaza, Bazar Sita Ram, Delhi-06 and the alleged persons are residing in the adjoining property, and due to constant offences being committed upon the complainant by the alleged persons and their family members, the complainant has already filed a number of criminal complaints against the accused persons, that are pending adjudication in Tis Hazari Courts.

It has been further submitted that on 04.06.2022, Crl. Revision No. 509/2019 preferred by the complainant against the accused persons was listed before the Court of Ld. ASJ, THC, the complainant as well as alleged Sheela and Poonam attended the Court proceedings and thereafter when the complainant was heading towards the chamber of his counsel, situated in Civil Wing in Tis Hazari Court and had reached near the Peepal tree situated in the parking outside the Public Toilet compound adjoining Bar Room No. 3, the complainant saw that the alleged Sheela and Poonam were coming out of the Public Washroom and upon seeing the complainant, alleged Sheela said to alleged Poonam “arey issi ke liye to saaman mangwaya tha, yahi mil gaya, chalo isko yahi khatam kar dete hai, nahi to yeh humein court ke chakkar katwaata rahega”. Thereafter, alleged Sheela took out a transparent plastic bottle from her bag which was filled with yellow

coloured liquid and thereafter, alleged Sheela said “Poonam, bhagne mat dena is buddhey ko, aaj yeh tezaab daal denge iske upar aur iski aankh aur zabaan jala denge, fir dekhte hai yeh kahan kahan complaint kar paata hai” and then alleged Poonam slapped the complainant and restrained the complainant from one end saying “aaja Sheela, ab yeh kahi nahi ja paayega, ab isko tezaab se nehla kar upar bhejenge” upon which accused Sheela started coming towards the complainant after opening the said bottle while holding the same in a throwing position saying “buddhey meri ladki ki complaint se to tu bach gaya, lekin yeh tezaab humne tere liye hi mangwaya hai, ab tu nahi bachega”. It has been further submitted that the complainant was terrified and looked around but due to the extreme heat and scorching sun, no persons could be seen in the vicinity, as no one was around to save him, the complainant ran towards the gate of the Court after escaping from the clutches of alleged Poonam and he stopped only after reaching some distance from Tis Hazari Courts and then reached his home.

It has been further submitted that he met his counsel after three days as he had confined himself to his house due to shock, who suggested him report the incident to the Police and accordingly, the complainant moved the complaint against alleged Sheela and Poonam, received at PS Subzi Mandi vide DD No. 14 dated 07.06.2022, however, no action was taken by the Police. Therefore the present complaint was filed by the complainant to take cognizance of offence u/S 323/326B/341/506/34 IPC against the accused persons and issue summons to them.

During the pre-summoning evidence, the complainant had examined himself as CW-1, whereby he has reiterated the facts narrated in the complaint and has relied upon the copy of court proceedings dated 04.06.2022 as Ex. CW-1/1, copy of the complaint filed with SHO PS Subzi Mandi as Ex. CW-1/2. Vide separate statement dated 02.02.2023 of the complainant, PSE was closed.

During the course of arguments, learned Counsel for the complainant has reiterated the facts as narrated in the complaint and has argued that specific allegations against accused persons under Section 323/326B/506/34 IPC are forthcoming.

Arguments heard. Record perused, carefully.

At the outset, it is pertinent to note that the testimony of CW-1 is detailed, internally consistent and discloses specific roles of each accused in a coordinated attempt to restrain him, cause hurt, threaten him with death, and throw acid upon him and that no contradictions, embellishments or infirmities are noticeable at this stage in the testimony of the complainant which would impair the prima facie credence of his deposition. The Supreme Court in a number of judgments has clarified and settled the law that at the stage of taking cognizance and issuing process, the Magistrate must evaluate whether the complaint and evidence disclose prima facie commission of the offences alleged and need not conduct a meticulous evaluation or weigh evidence as it does at the stage of trial.

Now coming to the specific offences as alleged by the complainant. Qua Section 326B IPC it is worthwhile to note that it criminalises the attempt to throw or administer acid and the explanation and language of the section make it clear that actual contact with acid is not necessary; even preparatory acts coupled with overt conduct constitute attempt. In the instant case, the complainant as CW-1 has categorically stated that proposed accused Sheela took out a bottle containing yellow liquid, opened it, held it in a throwing position and advanced towards him stating that the acid was procured specifically to disfigure him. Qua offence under Section 341/323 IPC, there is a specific allegation that proposed accused Poonam slapped the complainant and physically restrained him from escaping, with intent to facilitate the act of throwing acid by the other proposed accused Sheela. Lastly, qua commission of offence u/S 506 IPC, it is pertinent to note that the threats to kill the complainant by pouring acid, accompanied by the actual act of preparing to throw the alleged acid, prima facie indicates commission of criminal intimidation. It goes without saying upon reading the testimony of the complainant that both the accused acted in concert one restraining the complainant, the other preparing to throw acid and their utterances and physical acts reveal pre-concert and shared intention.

In view of the above discussion, cognizance u/S 323/326B/506/34 IPC is taken. Let summons be issued to accused Sheela and Poonam through the SHO

concerned on filing of PF within 15 days, returnable on 16.01.2026.

Put up for appearance of accused persons and further proceedings on 16.01.2026.

-sd-

(Preeti Rajoria)

JMFC-07/Central/THC

Delhi/15.11.2025”

20. It is argued by Ld. counsel for the respondent that present revision petition is not maintainable as summoning order is an interlocutory order. It is pertinent to note that an order summoning an accused in a complaint case is generally not considered a purely interlocutory order, but rather an “intermediate” or “quasi-final” order because it substantially affects the right of the accused and can terminate the proceedings if reversed. Accordingly, revision against impugned order is maintainable.

21. Perusal of TCR and impugned order reveals that trial court has rightly passed the cognizance and summoning order after perusing the record as CW-1/complainant/respondent categorically deposed during his testimony before the Trial Court that revisionists said upon seeing him “*Arey issi ke liye to samaan mangaya tha, yahi mil gaya, chalo isko yahi khatam kar dete hai, nahi to yeh humein court ke chakkar katwaata rahega*”. He further deposed that revisionist Sheela took out a transparent bottle from her bag which was filled with yellow colour liquid and thereafter said that “*Poonam, bhaagne mat dena is buddhey ko, aaj yeh tezaab daal denge iske upar aur iski ankh aur zabaan*”.

jala denge, fir dekhte hai yeh kahan kahan complaint kar pata hai”. He further deposed that revisionist No.2 slapped him and restrained him and said “*Aaja Sheela, ab yeh kahin nahi ja paayega, ab isko tezaab se nehla kar upar bhejenge*”. He further deposed that thereafter, revisionist No.1 came towards him after opening the bottle and holding the same in a throwing position and said “*Buddhey meri ladki ki complaint se to tu bach gaya, lekin yeh tezaab humne tere liye hi mangwaya hai, ab tu nahi bachega*”. He further deposed that somehow he saved himself from the clutches of the revisionists and reached his home. Accordingly, as per aforesaid testimony of complainant/respondent, both the accused/revisionists acted in consensus with each other and restrained the respondent/complainant, prepared to throw acid and criminally intimidated the complainant by extending threat to kill him by pouring acid. There are specific allegations of restraining and slapping of complainant/respondent by revisionist Poonam. In view of aforesaid categorical testimony of respondent, prima facie there is sufficient material on record to summon the revisionists for offence under Section 323/326B/506/34 IPC. Therefore, in view of the testimony of the respondent/complainant, trial court has rightly summoned the revisionists and whether the testimony of respondent/complainant is false and fabricated is a matter of trial, which cannot be determined at the stage of cognizance and summoning. All other pleas taken by the revisionists are his defence and cannot be

considered at this stage. Accordingly, prima facie there is sufficient material on record to summon the revisionists.

22. Coming now to the case law, while discussing the power of the revisionist court, Hon'ble Supreme Court of India in **Munna Devi v. State of Rajasthan and Ors.**, AIR 2002 SC 107, it has been held by the Supreme Court as under:

“3. ...The revision power under the Code of Criminal Procedure cannot be exercised in a routine and casual manner. While exercising such powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the First Information Report even if they are taken at the face value and accepted in their entirety do not constitute the offence for which the accused has been charged. This Court in Kanti Bhadra Sha & Anr. v. State of West Bengal, 2000 CriLJ 746 has held that there is no legal requirement for the trial court to write a reasoned or lengthy order for framing the charges.”

23. Also, the present court have to keep in mind that revisional jurisdiction is normally to be exercised in exceptional cases where there is a glaring defect in procedure or there is manifest error of law and consequently there has been a flagrant miscarriage of justice. In **Taron Mohan v. State & Anr**, 2021 SCC OnLine Del 312, Hon'ble Delhi High Court has observed as under:-

“9. The scope of interference in a revision petition is extremely narrow. It is well settled that Section 397

CrPC gives the High Courts or the Sessions Courts jurisdiction to consider the correctness, legality or propriety of any finding inter se an order and as to the regularity of the proceedings of any inferior court. It is also well settled that while considering the legality, propriety or correctness of a finding or a conclusion, normally the revising court does not dwell at length upon the facts and evidence of the case. A court in revision considers the material only to satisfy itself about the legality and propriety of the findings, sentence and order and refrains from substituting its own conclusion on an elaborate consideration of evidence."

24. Further, Hon'ble Apex Court in **Sanjay Singh Ramrao Chavan v. Dattatray Gulabrao Phalke and others**, 2015 (3) SCC 123 wherein it has been observed as under :

"14.....Unless the order passed by the Magistrate is perverse or the view taken by the court is wholly unreasonable or there is non-consideration of any relevant material or there is palpable misreading of records, the Revisional Court is not justified in setting aside the order, merely because another view is possible. The Revisional Court is not meant to act as an appellate court. The whole purpose of the revisional jurisdiction is to preserve the power in the court to do justice in accordance with the principles of criminal jurisprudence. The revisional power of the court under Sections 397 to 401 CrPC is not to be equated with that of an appeal. Unless the finding of the court, whose decision is sought to be revised, is shown to be perverse or untenable in law or is grossly erroneous or glaringly unreasonable or where the decision is based on no material or where the material facts are wholly ignored or where the judicial discretion is exercised arbitrarily or capriciously, the courts may not interfere with decision in exercise of their revisional jurisdiction."

25. Applying the aforesaid principle of law to the facts and circumstances of the case as well as law as discussed in preceding paragraphs, it is crystal clear that Ld. Trial Court has rightly passed the order dated 15.11.2025 as per law. Accordingly, no material brought on record to challenge correctness, legality and propriety of the impugned order dated 15.11.2025 which is sine qua non for invoking revisional jurisdiction. It cannot be said at this stage that conclusion arrived by the Ld. Trial Court is unreasonable and unjustified, calling for interference by the present Court in exercise of revisional jurisdiction. I do not find any infirmity or flaw in the impugned order passed by Ld. Trial Court. **Accordingly, the revision petition is dismissed.**

26. **Accordingly, Revision Petition along with application seeking stay is disposed of as dismissed.**

27. Nothing said herein shall tantamount to have effect on the merits of the case. Trial Court record be sent back along with the copy of this order.

28. Revision file be consigned to Record Room after due compliance.

Copy of order be given dasti to the revisionist.

**Announced in the Open Court
on 12th day of March, 2026**

**(Shilpi Jain)
Additional Sessions Judge-02,
Central District, Tis Hazari Courts, Delhi**