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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 794/2023

SUNIL K. AGGARWAL

.....Petitioner

Through: Petitioner in person

versus

P.K UPPAL

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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30.01.2026

CRL.M.A. 33914/2025 (for recall of order dated 11.09.2024) in
CRL.REV.P.794/2023

1. Through this application, the petitioner/ applicant seeks recall/ review of the order dated 11.09.2024, whereby this Court had disposed of the petition.

2. The present petition was filed by the petitioner challenging the dismissal of his application under Section 156 (3) of the Code of Criminal Procedure, 1973 by the learned Magistrate by way of order dated 15.02.2020. By order dated 11.09.2024, this Court observed that the order passed by the Magistrate is revisable before the Court of Sessions, and thus, disposed of the petition while granting liberty to the petitioner to approach the learned Court of Sessions.

3. The petitioner is essentially aggrieved that this Court had not appreciated the several grounds agitated by the petitioner for assailing the order passed by the learned Magistrate. It is also pleaded in the application that there is no bar on this Court which precludes it from entertaining a revision petition against an order passed by the Magistrate.

4. It is well-settled that the Court of Sessions as well as High



Court are vested with concurrent revisional jurisdiction.

5. However, at the same time, it cannot be denied that under ordinary circumstances, when an aggrieved litigant has an efficacious alternate remedy to invoke the revisional jurisdiction of the Court of Sessions against an order passed by the Magistrate, High Court ought to refrain from exercising its discretion unless compelling reasons exist to do the same. Entertainability and maintainability of a proceeding are helmed on distinctive considerations [Ref. ***Dharam Kumar Saw @ Dharam Kr. Gupta & Ors. v. The State of Jharkhand & Anr.* : 2025:JHHC:27802; *Padmanabh Keshav Kamat v. Anup R. Kantak* : 1998 SCC OnLine Bom 229; etc]. No special or exceptional circumstances have been carved by the petitioner for bypassing the forum of the Sessions Court in the present case. Liberty was also granted to the petitioner to approach the Sessions Court.**

6. It is also imperative to note that the petitioner has filed the present application after almost an year from when the petition was disposed of.

7. Even otherwise, substantive review is barred under criminal law and after disposing of the petition, this Court can only recall or review its order for the limited purpose of correcting any clerical or arithmetical errors.

8. In view of the aforesaid discussion, this Court finds no reason to entertain the present application.

9. The present application is dismissed in the aforesaid terms.

AMIT MAHAJAN, J

JANUARY 30, 2026

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