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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 8928/2025**

SUBE SINGH HANSIWAL

.....Petitioner

Through: Mr. Prince Arora, Mr. Gagan Gupta,
Mr. Deepak Sharma and Mr. Wajid
Ali, Advocates.

versus

JAGDISH PRASAD

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **15.12.2025**

CRL.M.A. 37276/2025 (seeking exemption from filing certified copies of the documents)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CRL.M.C. 8928/2025 & CRL.M.A. 37275/2025 (seeking exparte interim stay)

4. The Petitioner is the proposed accused in a criminal complaint filed by the Respondent, alleging commission of offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860¹. In the said complaint,

¹ "IPC"



the Respondent had sought directions under Section 156(3) of the Code of Criminal Procedure, 1973². Thereafter, upon examination of the complainant, consideration of the pre-summoning evidence, and perusal of the material on record, the Magistrate dismissed the complaint without summoning the Petitioner. Subsequently, by the impugned order dated 30th July, 2025, the Revisional Court set aside the order of the Trial Court and also directed issuance of summon to the proposed accused under Section 204 CrPC for the offence under Section 420 IPC.

5. The Petitioner's counsel argues that the Sessions Court, while exercising revisional jurisdiction, ought to have confined its inquiry to examining the record of the Trial Court to satisfy itself as to the correctness, legality, or propriety of the findings, sentence, or order recorded therein.

6. It is further contended that even if the Revisional Court found merit in the contentions of the revisionist, it could only have been remanded the matter to the Trial Court for fresh consideration. The Revisional Court could not have issued a direction to summon the accused, as such a direction takes away the discretion of the Magistrate to independently apply its mind at the stage of taking cognizance. On this basis, it is urged that the Sessions Court exceeded the scope of its revisional jurisdiction by directing the Trial Court to adopt a particular course of action. Reliance is placed on the judgment of the Supreme Court in **Rajendra Rajoriya v. Jagat Narain Thapak & Anr** in Criminal Appeal No. 312/2018.

7. Till the next date of hearing, there shall be a stay of the operation of the impugned order dated 30th July, 2025.

8. Issue notice to the Respondent, by all permissible modes, upon filing

² "CrPC"



of the requisite process fee, returnable on the next date of hearing.

9. Renotify on 25th March, 2026.

SANJEEV NARULA, J

DECEMBER 15, 2025

as