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

+ CRL.M.C. 1462/2024, CRL.M.A. 5765/2024

+ CRL.M.C. 1463/2024, CRL.M.A. 5767/2024

MS POOJA DOGRA

.....Petitioner

Through: Mr. G. B. Singh, Adv. (VC).

versus

SUKHPAL SINGH BAKSHI

.....Respondent

Through: Ms. Spriha, Proxy counsel for Mr.
Partho Bhattacharya, Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

24.07.2024

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1. The present petitions have been filed assailing the order dated 16.11.2023 whereby the right of the petitioner to cross-examine the complainant was closed.
2. The perusal of order dated 16.11.2023 speaks of itself in volume. The order indicates that right to cross-examine the complainant was closed on **30.01.2023**, by the Ld. Trial Court against which a revision was preferred. The revision was allowed and right to cross-examine the complainant was granted subject to the condition that only one opportunity shall be given to the petitioner to cross-examine the complainant.
3. Ordersheet dated 30.01.2023 indicates that in terms of the directions of the revision court the opportunity was afforded to the accused. However, an adjournment was sought as the main counsel was not present. The court therefore granted one more opportunity.



4. Again on 16.03.2023 as per order sheet, the matter was simply adjourned. So practically, the complainant was not cross-examined.
5. The revisional jurisdiction of the court is very limited. It has been held in various cases that the revisional jurisdiction can be exercised only when there is illegality or perversity of the Ld. Trial Court.
6. In **V.K. Verma v. CBI** CRL.REV.P. 830/2017 it has been inter alia held as under:

“66. The revisional jurisdiction is not meant to test the waters of what might happen in the trial. The Revisional Court has to consider the correctness, legality or propriety of any finding inter se an order and as to the regularity of the proceedings of the court below. While doing so, the Revisional Court does not dwell at length upon the facts and evidence of the case, rather it 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. In the instant case, the Petitioner has failed to make out a case for exercise of the revisional jurisdiction since there is no patent error in the impugned order on the face of record.

67. Further, as per the settled position of law the jurisdiction under Section 482 has to be exercised sparingly, with circumspection and in rarest of the rare cases, only to prevent abuse of the process of any Court or to secure the ends of justice. In the instant case, there is no such abuse of process or that the ends of justice warrant the exercise of the said jurisdiction, therefore there is no cogent reason warranting the exercise of the jurisdiction.”

7. In **Sunil v. State** CRL.REV.P 514/2022 it was inter alia held as under:

“7. The scope of revisional jurisdiction is very limited. The Courts can exercise its revisional jurisdiction only if there is patent illegality, perversity, jurisdictional error, or an error apparent on the face of the record. In revisional



jurisdiction, the Courts cannot substitute its opinion with that of the Courts below. Where two views are possible and the trial court has taken one view which is a plausible view, merely because another view is possible, the High Court should not interfere, and would be in error in interfering with the findings of the trial court in its revisional jurisdiction. High Courts cannot reappraise evidence and come to a different conclusion. The revisional jurisdiction operates within narrow contours and can be exercised only in exceptional cases where the interest of public justice so requires such an interference, to rectify a gross miscarriage of justice. In absence of any manifest error of law or procedural defects, the High Courts should refrain from interfering with the order of trial court in its revisional jurisdiction. The revisional court does not function as a court of appeal and the Court cannot reappraise evidence. Revisional jurisdiction is normally exercised only in exceptional cases where there is a glaring defect in the procedure or there is a manifest error of law and consequently there has been a flagrant miscarriage of justice. The High Court cannot interfere with findings of fact of the learned trial Court which have been arrived at after due consideration and appreciation of evidence and material on record.”

8. Thus, I consider that there is no illegality, infirmity or perversity in the impugned order. The petitioner was afforded an opportunity to cross-examine the complainant in terms of the order of revisional court. Such right cannot be an unlimited right. The courts are bound to bring some discipline, particularly in view of the heavy pendency.
9. In view of the above, the present petition stands dismissed.

DINESH KUMAR SHARMA, J

JULY 24, 2024/AR..