



2025:DHC:10795



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

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Reserved on: 29th October, 2025

Pronounced on: 03rd December, 2025

+ **W.P.(CRL) 2034/2024, CRL.M.A. 19783/2024**

1. DR SANJAY KAUSHAL

S/o Sh. S. C. Kaushal

R/o Plot No.270, Block-A, Sector-8,
Bagdolla, Dwarka, New Delhi.

.....Petitioners

Through: Mr. Suhail Sehgal and Mr. Prashant
Drolia, Advocates.

versus

1. STATE NCT OF DELHI

SHO P.S. Delhi Cantt., New Delhi.

2. JETHA NAND SALUJA

S/o Sh. Gopal Das Saluja
R/o A-15-16, Budh Nagar,
Inderpuri, New Delhi.

.....Respondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Nitish
Dhawan, Ms. Chavi Lazarus and
Mr. Manan Wadhwa, Advocates.
Mr. Shashi Shanker, Advocate for R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Article 226 of Constitution of India read with Sections 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been filed on behalf of Petitioner **Dr. Sanjay Kaushal** for setting aside / modifying the **Order dated 21.05.2024 of the learned**



2025:DHC:10795



ASJ-04, New Delhi in Crl. Rev. 698/2023 whereby **Summoning Order** of learned MM dated 09.10.2023 in FIR No.0456/2015 under Sections 420/468/467/ 471/120B IPC, registered at PS: Delhi Cantt., **was upheld.**

2. *Briefly stated, Chargesheet in FIR No.0456/2015* dated 11.03.2019 was filed in the Court against Mr. Suresh Kumar Ahuja and Dr. Sanjay Kaushal, while Supplementary Chargesheet dated 03.03.2020 was filed against Ms. Santosh Garg and Ms. Ritu Kaushal. Learned MM took cognizance and the accused persons were summoned *vide* Order dated 12.04.2022.

3. However, learned Link MM, *vide* Order dated 12.12.2022 noted that Chargesheet had been filed only against accused Suresh Kumar Ahuja and Dr. Sanjay Kaushal and it was not clear as to why Ms. Santosh Garg and Ritu Kaushal, against whom Supplementary Chargesheet had been filed, had not been summoned. Consequently, Non-Bailable Warrants were issued against all four accused were recalled and accused Suresh Kumar Ahuja and Dr. Sanjay Kaushal were directed to appear in person before the learned MM, on 12.01.2023.

4. The record reflects that apparently, learned MM did not consider the Supplementary Chargesheet *qua* accused Ms. Santosh Garg and Ritu Kaushal and that cognizance against them was taken by learned MM and they were summoned *vide* Order dated 09.10.2023.

5. **CR. Rev.698/2023** was filed before learned ASJ to challenge this Summoning Order dated 09.10.2023. Learned ASJ *vide* Order dated 31.10.2023 directed summons to be issued to the Complainant Jetha Nand Saluja, whose brother appeared before the Court on 14.12.2023 and sought time to file Reply.



6. The objection was taken on behalf of Dr. Sanjay Kaushal, that the Complainant could not participate in the Revision Petition, but can only assist learned Additional Public Prosecutor. This contention was denied by Ld. ASJ, by observing that it tantamount to review of Order dated 31.10.2023, *vide* which the Complainant was summoned.

7. Moreover, noticing that learned Additional Public Prosecutor for State also required assistance of Complainant and his counsel, the Application filed on behalf of the Petitioner for deletion of Complainant's name as Respondent No.2 in the Revision Petition, was dismissed.

8. Aggrieved by the said Order, present Petition has been filed wherein the impugned Order has been challenged on the ground that not even a single Judgment relied upon by the Petitioner, was considered.

9. Reference is made to Kamisetty Pedda Venkata Subbamma and Ors. vs. Chinna Kummagandla Venkataiah, MANU/AP/1085/2004 and Jaya Rao vs. State of A.P., Land Reforms, Srikakulam, MANU/AP/0102/2003, wherein it was observed that written arguments filed by the parties deserve to be considered while passing an Order. The Order made without consideration of the argument and the submissions of the Applicant, cannot stand the judicial scrutiny and such Order leads to miscarriage of justice.

10. It is further submitted that observations made by learned ASJ in the impugned Order that deleting the Complainant's name would amount to revision of earlier Order, is a complete misreading of the Judgment of Adalat Prasad vs. Rooplal Jindal and Ors. MANU/SC/0688/2004; Ganesh Patel vs. Umakant Rajoria, MANU/SC/0574/2022.

11. Learned ASJ has failed to consider that the Petitioner's contention was not that Complainant be not heard through Public Prosecutor, *but that*



the Complainant cannot address the Court directly or the Petitioner cannot be forced to implead him as party, in the Revision Petition.

12. Learned ASJ has also failed to consider that Complainant had filed civil proceedings titled Rajinder Kumar Saluja vs. Reall Gold Builders Private Limited and Others on the same cause of action before the Ld. Additional District Judge, Dwarka, Delhi and had deliberately and intentionally not appeared therein for his cross-examination. Complainant has already availed ample adjournments for his cross-examination on more than 20 occasions, while he seeks to participate in the criminal proceedings and participate with full gusto, to extort money from the Petitioner.

13. The reason for the Complainant for not appearing for his cross-examination in Civil Court, is to avoid being exposed regarding his false case. The Application filed by Petitioner for deletion of Complainant's name, was not for review or Order dated 31.10.2023, for which reliance is placed on Sweetie vs. State of NCT and Ors., MANU/DOER/27984/2022.

14. It is alleged that the Petitioner in the first instance, had been compelled by the Court to implead the Complainant as party, even though the Complainant has no right to directly address the Court in Revision Petition.

15. Reliance is placed on Saleem vs. The State of NCT of Delhi and Ors., MANU/DE/2515/2023, wherein reliance was placed on judgment passed by Hon'ble Apex Court in Jagjeet Singh and Others vs. Ashish Mishra @ Monu and Anr. (2022) 9 SCC 321.

16. It is contended that these Judgments make it clear that Complainant cannot be impleaded as party in Revision Petition and his impleadment has caused grave prejudice to the Petitioner. Reliance is further place on Vipul



2025:DHC:10795



Gupta and Ors. vs. State and Ors., MANU/DE/1550/2021, wherein reference was made to Section 401(2) Cr.P.C., which does not give any right to the Complainant to be heard in Revision Petition before the learned Sessions Court.

17. Reference is made to Sharad Kumar Aggarwal and Ors. vs. State, MANU/DE/4528/2012; Indu Bala and Ors. vs. Delhi Administration and Ors., MANU/DE/0131/1990; and Dhariwal Industries Limited vs. Kishore Wadhvani and Ors., MANU/SC/1000/2016.

18. It is therefore, submitted that the impugned Order of learned ASJ dated 21.05.2024 is liable to be set aside.

19. **Respondent No.2/Complainant Jetha Nand Saluja in his Reply** has taken a *preliminary objection* that the Petition is not maintainable. No right of the Complainant to participate in litigation, can be curtailed at the whims and fancies of the accused persons. Furthermore, the Petition is liable to be rejected for non-joinder of other accused persons, who are also necessary party to the present Petition.

20. The impugned Revision Petition had only been filed by Dr. Sanjay Kaushal and not other three accused persons. All the other three Revisionists namely Sanjay Kaushal, Ritu Kaushal and Santosh Garg had filed an amended Memo of Parties dated 31.10.2023, impleading the Respondent No.2 as party in the said Revision Petition. Thereafter, an Application for early hearing was filed and after getting stay order in the absence of the Complainant challenging Complainant's presence, the learned ASJ rightly rejected the Petitioner's Application for deleting his name from Revision Petition *vide* Order dated 21.05.2024.



2025:DHC:10795



21. Respondent No.2/Complainant has every right to participate in the proceedings, as his interest is required to be protected and the assistance is required to be provided to the Court for proper adjudication of the matter. The Petitioner has deliberately and intentionally not filed the copy of Chargesheet and /or Supplementary Chargesheet in order to hide the facts and mislead the Court.

22. It is submitted that **brief facts** of the case are that accused Dr. Sanjay Kaushal (owner) entered into a **Collaboration Agreement dated 06.06.2012** with accused Suresh Kumar Ahuja, Managing Director, Real Gold Builders Pvt. Ltd. (Builder) in respect of freehold property bearing Plot No.270, Block-A, Sector-8, Bagdolla, Dwarka, New Delhi-110075 measuring 174.96 sq. meters.

23. The Builder was given right /share in entire 2nd Floor along with two car parking and one servant quarter with common toilet on stilt and proportionate 25% undivided, indivisible and impartible land rights/ share underneath the building, besides all common areas and facilities.

24. **Clause 24 of the said Collaboration Agreement** provided that both the parties were free to mortgage, rent out or sell their share as specified in the Agreement or deal with it in any manner they liked and were also free to transfer by way of sale or otherwise or enter into Agreement to Sell their respective share.

25. Complainant/Respondent No.2 entered into an Agreement to Sell dated 26.10.2012 for sale of 2nd Floor of property in question, with the aforesaid accused Suresh Kumar Ahuja. Accused Sanjay Kaushal/Petitioner also signed the Agreement as confirming party/owner of the plot and payment of Rs.50,00,000/- was made by Respondent No.2 and his brother.



2025:DHC:10795



The accused Sanjay Kaushal and Suresh Kumar Ahuja provided the original Collaboration Agreement dated 06.06.2012 and the copy of Conveyance Deed dated 22.04.2009 to the Complainant, in order to assure him and his brother, that they shall not enter into any other agreement with any other person in respect of the said property.

26. During subsistence of the aforesaid Agreement to Sell dated 26.10.2012, accused Suresh Kumar Ahuja entered into another Agreement to Sell dated 29.11.2012 with one Vinod Solanki and thereafter, executed third Agreement to Sell dated 19.03.2013 with Ms. Santosh Garg, who is mother-in-law of accused Sanjay Kaushal (Petitioner herein), despite having knowledge of Agreement to Sell dated 26.10.2012 with the Complainant and payment of Rs.50,00,000/- thereunder.

27. Complainant asserts that Agreement to Sell dated 19.03.2013 was executed by the accused persons in a mischievous manner and was also signed by accused Sanjay Kaushal as well as his mother-in-law Ms. Santosh Garg, in the capacity of confirming party/owner of plot and second party/intending purchaser respectively, only to cheat the Complainant and his brother, by commission of crime in an organized manner.

28. For the aforesaid purpose, documents were forged by the accused persons for which FIR No. 0456/2015 was registered. The conclusion of the investigation was that the accused Sanjay Kaushal transferred the property to accused Ms. Santosh Garg (his mother-in-law) and Ms.Ritu Kaushal (his wife) *vide* Sale Deed dated 10.12.2015 for a total sum of Rs.74,00,000/-. The builder Suresh Kumar Ahuja, has absconded. The payments shown, were found to be bogus.



29. The Chargesheet and supplementary Chargesheet were filed in FIR No. 0456/2015 Section 420/120B/34 IPC, on which cognizance was taken by the learned Trial Court and summons were issued to all four accused *vide* Orders dated 12.12.2022 and 09.10.2023.

30. **CR. Rev. No.698/2023** was preferred on behalf of Petitioner Dr. Sanjay Kaushal against Order dated 09.10.2023.

31. **Respondent No.2/Complainant, on merits**, has contended that learned ASJ has rightly dismissed the Petitioner's Application for deletion of Complainant's name from the Revision Petition.

32. The Petitioner has placed reliance on Saleem vs. State of NCT of Delhi MANU/DE/2515/2023; Sweetie vs. State of NCT of Delhi MANU/DOER/27984/2022 and also reiterated the right of the Complainant to be heard in the criminal proceedings.

33. It is further submitted that the judgment relied upon, are not applicable to the facts in hand. All the contentions raised in the Petition are denied. It is submitted that there is no merit in the present Petition, which may be dismissed.

Submissions heard and record perused.

34. The Chargesheet against the Petitioner Dr. Sanjay Kaushal and Sh. Suresh Kumar Ahuja was filed for the offences under Section 420/120B/34 IPC, on 11.03.2019. Thereafter, a Supplementary Chargesheet dated 03.03.2020 was filed against Ritu Kaushal and Smt. Santosh Garg. The learned M.M issued the summons against the accused persons *vide* Order dated 09.10.2023.

35. Aggrieved, the Petitioner Sanjay Kaushal filed a *Criminal Revision* 698/2023 challenging the Summoning Order dated 09.10.2023 whereby



2025:DHC:10795



Petitioner No.2 and 3 had been summoned in the Supplementary Chargesheet. **The learned ASJ *vide* Order dated 31.10.2023 directed the summons to be issued to the Complainant Jetha Nand Saluja.**

36. Aggrieved by such directions, the Application was filed by Dr. Sanjay Kaushal challenging the Complainant/Respondent No.2 being added as a party and being permitted to address arguments. This Application was dismissed *vide* impugned Order dated 21.05.2024 by the learned ASJ. Aggrieved by the said Order dated 21.05.2024, the present Petition has been filed.

37. *The core question which arises for determination is whether the Complainant has a right of being heard in a Revision filed by the Accused to challenge its summoning in a Chargesheet filed against them.*

38. In the case of Jagjeet Singh and Others vs. Ashish Mishra @ Monu and Anr. (2022) 9 SCC 321, the status of a victim in the trial of criminal cases was considered by the Apex Court. It was observed that until recently, criminal law had been viewed on a dimensional plane wherein the courts were required to adjudicate between the accused and the State. The ‘victim’ who was the sufferer of the crime, had no participatory rights in the adjudicatory process and were kept out of the trial as a mute spectator. However, with the recognition that the ethos of criminal justice dispensation was to prevent and punish crime, it surreptitiously turned its back on the victim. However, the rights of the victims to be heard and to participate in criminal proceedings, have begun to evolve positively. *The Law Commission of India in its 154th Report submitted in 2003* made radical recommendations that the rights of the victim and/or his legal representative be protected by “to be impleaded as a party in every criminal proceeding



where the charges are punishable with seven years' imprisonment or more". These recommendations led to Code of Criminal Procedure (Amendment) Act, 2008, which not only inserted the definition of a '**victim**' under **Section 2(wa)**, but also statutorily recognized various rights of victims, at different stages of trial.

39. It has been highlighted in the case of *Jagjeet Singh* (supra), that the rights of the victim cannot be termed or construed restrictively like a *brutum fulmen* (which in Latin approximates to "meaningless thunderbolt or lightning" and is used to convey the idea of any "empty threat" or something which is ineffective). It was further observed that a victim within the conspectus of Cr.P.C., cannot be asked to await the commencement of trial for asserting his/her rights. The victim has a legally vested right to be heard at every step, post the occurrence of an offence. Such victim has unbridled participatory rights from the stage of investigation till the culmination of the proceedings in an Appeal or Revision. It was further noted that **when the victims themselves come forward to participate in the criminal proceedings, they must be accorded with an opportunity of a fair and effective hearing**. If a right to file an Appeal against acquittal is not accompanied with the right to be heard at the time of deciding the Bail Application, it would result in grave miscarriage of justice. The victim cannot be expected to be sitting on a fence and watching the proceedings from afar, especially when they have legitimate grievances. It is the solemn duty of a Court to deliver justice before the memory of an injustice eclipses. It was thus, concluded that a victim has a right to be given a fair and effective hearing at the time of giving Bail to the Accused.



40. The Apex Court in Mallikarjun Kodagali vs. State of Karnataka (2019) 2 SCC 752 observed that the rights of the victim, is an evolving jurisprudence and it is more than appropriate for it to move towards a positive direction. *“A voice has been given to the victims of crime by Parliament and the judiciary and that voice needs to be heard, and if not already heard, it needs to be raised to a higher decibel so that it is clearly heard.”*

41. This aspect of the right of victim for participation in the trial came up for consideration in the case of Madan Mohan vs. State of Rajasthan & Ors. Criminal Appeal No.2178/2017 before the Apex Court. In the said case, an Application filed under Section 193 Cr.P.C was allowed and Non Bailable Warrants were issued against the Accused persons. The summoned Accused then filed a Criminal Petition under Section 397 Cr.P.C, wherein the Complainant on whose instance the impugned Order was passed, was not impleaded as a party. The learned Single Judge allowed the Revision Petition partly and set aside the issuance of Non-Bailable Warrants against the two Accused. The Complainant felt aggrieved by the impugned Order and after obtaining Leave, filed the Appeal by way of Special Leave in the Apex Court. It was held that the Complainant at whose instance the learned Session Judge had allowed the Application under Section 193 Cr.P.C., was a necessary party to the Criminal Revision along with the State. *Therefore, the Complainant should have been given a right of hearing along with the State in the Revision Petition.*

42. In the case of J.K International vs. State (Govt. of NCT of Delhi) and Others (2001) 3 Supreme Court Cases 462, the accused persons who had been summoned in a Chargesheet, filed a Writ Petition to seek the quashing



of the criminal proceedings. In the Writ Petition, the Complainant was not impleaded as a party and, therefore, he filed an Application for impleadment. The Application for impleadment was dismissed by the High Court which Order got challenged before the Apex Court. ***It was held*** that when an Accused is Chargesheeted by the State and seeks quashing of the criminal proceedings, the Accused is not obligated to implead the Complainant in the quashing proceedings, as it is pre-dominantly the concern of the State to continue the prosecution. *However, when the criminal proceedings are sought to be quashed, it would be negation of justice to the Complainant if he was foreclosed from being heard even after he makes a request in the Court in that behalf.* It is not solace to him to be told that if the criminal proceedings are quashed, then he may have a right to challenge it before the higher fora.

43. It was further observed that the scheme envisaged in the Cr.P.C indicates that *a person who is aggrieved by the offence committed is not altogether wiped out from the scenario of the trial merely because the investigations have been taken over by the Police and the Chargesheet has been laid by them.* Even the fact that the Court had taken cognizance of the offence, is not sufficient to debar him from reaching the Court for ventilating his grievance. Even in the Sessions Court, where the Public Prosecutor is the only Authority empowered to conduct the prosecution as per Section 225 of the Code, a person aggrieved by the offence involved in the Chargesheet, is not totally debarred from participating in the trial. *The right of participation can be discerned from Section 301(2) of the Code, which provides that a private person may with the permission of the Court, assist the Public Prosecutor and submit written arguments after the*



evidence is closed in the case. The said provision falls within Chapter titled **“General Provisions as to Inquiries and Trials”**. It was thus, held that when such a role is permitted to be played by a private person, though in a limited manner, even in the Sessions Court, it is enough to show that a private person, if aggrieved, is not wiped out from the proceedings in the criminal Court merely because it is the Police who has filed the Chargesheet. The Court is given the power to permit even private persons to submit their written arguments and if so submitted, must be considered by the Court.

44. Further, *Section 302(2) of the Code* provides that “Any person conducting the prosecution may do so personally or by a pleader.” The private person who is permitted to conduct prosecution in the Magistrate’s Court, can engage a counsel to do the needful. *It further amplifies that if a private person is aggrieved by the offence committed against him or against anyone in whom he is interested, he can approach the Magistrate and seek permission to conduct the prosecution by himself.* It is open to the Court to grant such permission if it finds that the cause of justice would be served better by granting such permission.

45. This aspect was considered in detail by the Coordinate Bench of this Court, in the case of VLS Finance Ltd. Vs. State NCT of Delhi and Ors. MANU/DE/3602/2024. A reference was made to Section 225 Cr.P.C which provides that the trial before the Court of Sessions shall be conducted by the Prosecutor and Section 24(8) Cr.P.C which empowers the Central Government or State Government to appoint an Advocate having a practice of not less than 10 years as a Special Public Prosecutor. It held that the



Court may permit the victim to engage an Advocate of his choice “*to assist the prosecution*”.

46. In the case of Rekha Murarka vs. State of West Bengal & Anr., MANU/SC/1600/2019 Apex Court considered the term “*assist*” appearing in Section 24(8) Cr.P.C and it was explained that the term “*assist*” in proviso to Section 24(8), implies that the victim’s counsel is only intended to have a secondary role *qua* the Public Prosecutor. While initially, the Amendment Bill to Cr.P.C proposed the words “coordinate with the prosecution”, but it was substituted by the term “assist” in the Section. This change is reflective of an intention to only assign a supportive role to the victim’s counsel, which would be in consonance with the limited role envisaged for pleaders instructed by private persons under Section 301(2) Cr.P.C. It was thus, concluded that the victim’s counsel is allowed to make oral arguments and cross-examine the witnesses. It was held that some significant role should be given to the victim’s counsel while assisting the prosecution. However, while doing so, the balance inherent in the scheme of Cr.P.C should not be tampered with and the prime role accorded to the Public Prosecutor, should not be diluted.

47. The importance of a Public Prosecutor in conduct of trial, was noted by the Supreme Court in the case of Shiv Kumar vs. Hukum Chand & Anr. MANU/SC.0533/1999, wherein it was observed that the Prosecution in the Sessions Case cannot be conducted by another person other than the Public Prosecutor. The expected attitude of the Public Prosecutor while conducting prosecution, must be couched in fairness not only to the Court and the investigating agencies but to the accused as well. Even if the private counsel is permitted to assist the Prosecutor, it is comparable with that of a Junior



Advocate conducting the case of his Senior in the Court. The private counsel is to act on behalf of the Public Prosecutor, albeit the fact that he is engaged in the case by a private party. If the role of the Public Prosecutor is allowed to shrink to a mere supervisory role, the trial would become a combat between the private party and the accused, which would render the legislative mandate of Section 225 Cr.P.C. a dead letter.

48. In Rekha Murarka (supra), the Supreme Court emphasized that a Public Prosecutor occupies a position of great importance. He is the Officer of the Court and his primary duty is to assist the Court in arriving at the truth by putting forth all the relevant material on behalf of the prosecution. The space carved out for the Public Prosecutor is clearly that of an independent Officer who secures the cause of justice and fair play in the criminal trial. However, the joint reading of Section 301 and proviso to Section 24(8) makes it clear that they are mutually complementary. There is no bar on the victim engaging a private counsel to assist the prosecution, subject to the permission of the Court.

49. The aspect of impleadment of the Complainant in a Revision under Section 397 Cr.P.C., was specifically considered in the case of VLS Finance Ltd. (supra). A reference was made to Section 399, 401 and 403 Cr.P.C. and it was observed that *the power of Revision is not to be confused with an Appellate Jurisdiction*. The Revisional power is exercised to meet the ends of justice irrespective of the fact whether the matter had been brought to the notice of the Court by aggrieved person or anyone else. The Sessions Court and/or High Court have unfettered and plenary powers to revise the Orders of the Courts subordinate to it, provided ends to justice so demand.



50. In Mahender Singh vs. High Court of Delhi & Anr. MANU/DE/0987/2008, Co-ordinate Bench of this Court held that Section 397 of Cr.P.C does not confer any right upon a person to seek Revision as it is not a right but only a procedural facility provided to a party, whereas the Appeal is a statutory right conferred upon a party. It was emphasized that the Revisional powers are vested in the Court to see that justice is done in accordance with the recognized rules of criminal jurisdiction and that the criminal Courts subordinate to it, do not exceed their jurisdiction in the misuse or abuse their powers vested by the Court. It does not create any right in the litigant. It was thus, concluded that the victim/complainant has a right to be heard in the Revision proceedings, though such rights do not upscale itself to a right to be impleaded in a Criminal Revision.

51. The Division Bench of this Court in Vivek Kumar Gaurav vs. Union of India MANU/DE/0836/2024, reaffirmed that if a victim approaches the criminal Court for hearing during cognizance or pre-trial, the Court is bound to hear the victim in view of the judgment of the Apex Court in Jagjeet Singh (supra). However, there is no mandate in the statute obliging the criminal Court to issue notice to the Complainant/victim at pre-trial stage.

52. The Division Bench of the Rajasthan High Court in Pooja Gurjar & Ors. Vs. State of Rajasthan (2023) SCC OnLine RAJ 4210 also referred to Jagjeet Singh (supra) to observe that the participatory right of the victim does not imply that they would replace or substitute the role of the State as a Prosecuting Agency nor that the victim has been impleaded as a party to the proceedings so as to make the Complainant answerable in all respects.

53. The aforesaid discussion, therefore, shows that the right of the victim/complainant to participate in the criminal proceedings is well



recognized by the judicial pronouncements, in the light of the various provisions of the Code of Criminal Procedure. *The only rider that has been noted is that the victim has the role of only assisting the Prosecutor who remains the main person to supervise and to conduct the criminal trial.* It has been cautioned that while giving a right to the complainant/victim to participate in the criminal proceedings as it is he/she who is actually the aggrieved person, caution has to be exercised by the Courts to ensure that it does not become a battle between two private individuals and deride the entire objective and the purpose of a criminal trial.

54. Having included the right of an Applicant to participate in the criminal trial to assist the Prosecution, **the next question which arises is whether the Complainant has a right to be impleaded in a Revision Petition.** In the case of VLS Finance Ltd. (supra), the Coordinate Bench relying on the earlier judgments of the Apex Court, concluded that there is no right of impleadment but only a right of hearing. The Bombay High Court in the case of Yuvraj Sitaram Dhamale vs. State of Maharashtra (2024) 1 High Court Cases (Bombay) 634 while relying on the judgment of Jagjeet Singh (supra), Mallikarjun Kodagali (supra) while concurring with the conclusion of the victim having a right to participate in the proceedings, went on to further observe that if the first informant is entitled to an opportunity of hearing where the Investigating Agency files a Report that no offence is made out, a fortiori the first informant must get an opportunity to contest the Revisional proceedings, which seek to set aside an Order of the Court of first instance whereby either process is issued or a plea for discharge has been rejected.



2025:DHC:10795



55. Reference was also made to J.K. International (supra), to reaffirm that the first informant has a right to assist the Prosecution and deserves an opportunity of hearing.

56. In VLS Finance Ltd. (supra), it was held that the right of a victim/complainant to be heard in a State, case cannot be uplifted to a right to be impleaded in a criminal Revision.

57. Applying the aforesaid principles to the facts in the present case, the Revisional Court *vide* Order dated 31.10.2023 had merely directed a Notice to be issued to the Complainant, on the Revision filed by the Petitioner. **This Order nowhere directed the impleadment of the Complainant as a party to the Revision Petition.** Furthermore, the Application filed by the Petitioner for recall of this Order, had been dismissed *vide* impugned Order dated 21.05.2024 by observing *that the presence of the Complainant/Respondent No.2 was required for assistance of the Additional Public Prosecutor.*

58. In the present Revision Petition, there is therefore, no infirmity in the Order dated 31.10.2023 of the Revisional Court in issuing the Notice to the Complainant and in the impugned Order dated 21.05.2024 whereby the grievance of the Petitioner to the issuance of Notice to the Complainant, has been denied.

59. There is no merit in the present Petition, which is hereby dismissed. Pending Applications are disposed of, accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 3, 2025/R/va

W.P.(CRL) 2034/2024

Page 18