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

\+ CRL.REV.P.(NI) 29/2026 & CRL.M.A. 3833/2026

RAFI AHMED .....Petitioner

Through: Mr. C.D. Mishra, Advocate.

versus

RAKESH BHUSHAN PANDEY .....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

<u>O R D E R</u>

% 04.02.2026

1. The petitioner, who is the appellant in a criminal appeal [17 CA 1892/2024] pending before the Sessions Court [hereinafter, "appellate Court"], has filed this revision petition against an order dated 29.11.2025, by which his application for summoning additional witnesses was dismissed by the appellate Court.

2. The complaint under Section 138 of the Negotiable Instrument Act, 1881, was filed by the respondent herein against the petitioner herein, alleging dishonour of a cheque for the sum of Rs. 5,00,000/- dated 30.06.2016. The petitioner was convicted by the Magistrate Court *vide* judgment dated 18.03.2024. His appeal against the judgment of conviction and sentence remains pending before the appellate Court.

3. During the pendency of the appeal, the petitioner filed an application before the appellate Court, in which it is stated that he had not received any amount from the respondent herein, but from one Suvidha

Investment, of which respondent claimed to be the proprietor. The petitioner further contended that the respondent had not produced any document to prove that he was the proprietor of Suvidha Investment, and therefore sought summoning of the Manager of the concerned branch of Bank of Maharashtra to ascertain the details of the concerned account of the respondent.

4. The appellate Court dismissed the application *vide* impugned order dated 29.11.2025, with the following observations:

> "*I have seen the trial court record wherein respondent/complainant has filed certificate issued by the Bank of Maharashtra dated 07.07.2023 certifying that respondent Rakesh Bhushan Pandey is the Proprietor of Mis Suvidha Investment having current account with them since 27.08.2000 and the same has been proved by the respondent before the Ld. Trial Court as Ex. CW1/G. Appellant had the opportunity to put questions to the witnesses regarding authenticity of the said documents before the Ld. Trial Court, however, no question whatsoever have been asked, hence there is no merit in the application. Accordingly, the same stands dismissed.*"

5. Mr. C.D. Mishra, learned counsel for the petitioner, submits that the document [certificate issued by Bank of Maharashtra dated 07.07.2023] referred to in the impugned order was inadequate to come to a conclusion regarding the relationship between respondent and Suvidha Investment.

6. Having heard Mr. Mishra, I am of the view that the order of the appellate Court requires no interference, in exercise of the revisional jurisdiction of this Court. As recorded by the appellate Court, the petitioner has not denied taking a loan from Suvidha Investment. A document was exhibited by the complainant, in support of his contention that he was in fact the proprietor of the said concern. Any submission

with regard to the admissibility and effect of the evidence on this point, led before the Trial Court, can be urged before the appellate Court at the time of hearing of the appeal. There is therefore no jurisdictional error in the approach of the appellate Court which requires intervention of this Court in revisional jurisdiction.

7. The petition is therefore dismissed.

PRATEEK JALAN, J

FEBRUARY 4, 2026
'pv'/AD/