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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 13th May, 2026**
+ **CRL.M.C. 3726/2026 & CRL.M.A. 15106/2026**
DINESH SHASTRI

.....Petitioner

Through: Mr. Sarvesh Singh, Advocate.

versus

VINOD BHASIN & ORS.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
JUDGMENT (oral)

1. The petitioner herein had filed a complaint before the concerned Magisterial Court and also prayed for registration of FIR and investigation by moving an application under Section 156(3) Cr.P.C.
2. His such application, however, did not find favour and he was directed to lead pre-summoning evidence.
3. He led pre-summoning evidence and the learned Trial Court, after perusal of such pre-summoning evidence and after hearing counsel for the complainant, dismissed his complaint on 09.06.2022. The learned Trial Court recorded that there were only oral averments and complainant had not produced any document or any other evidence to substantiate his averments and, therefore, the Court did not find any reason to issue summons to any of the accused as complainant failed to show *prima-facie* case against any of them.
4. The petitioner took exception to the abovesaid order of dismissal



dated 09.06.2022 and filed a Revision Petition before the learned *Court of Sessions*.

5. However, such Revision Petition was filed in the year 2025 and, since there was inordinate delay in lodging the Revisions Petition, he also moved an application seeking condonation of delay.

6. Learned Revisional Court heard arguments with respect to the condonation of delay and declined to condone the delay and, resultantly, the Revision Petition has been dismissed, being barred by limitation.

7. Such order dated 19.11.2025 is under challenge.

8. Admittedly, the period of filing any revision is 90 days and there was inordinate delay.

9. The learned Revisional Court noted down all the facts and came to the conclusion that the delay had not been explained. The relevant paragraphs of the abovesaid order dated 19.11.2025 read as under:-

“6. As per article 131, in the schedule to the Limitation Act 1963, the limitation period for filing a criminal revision u/s 397 Cr.P.C. before this court is 90 days. Admittedly, revisionist did not file the present revision petition within 90 days of the dismissal of the complaint.

7. In the application it is stated as soon as the revisionist got the order he filed the revision petition after managing his finance. It is also stated that applicant was unwell and incapacitated on account of health reasons .

8. In so far as the submission that revisionist was unable to appear or was managing his finance can not be believed as not even a single document has been tiled on record to show that revisionist was suffering from any health issue which prevented him from filing the revision. The impugned order is on dated 09.06.2022 and the revision was filed on 12.03.2025 almost alter 3 years.

9. It was next argued that as soon as the certified copy was made available the revision of filed. The perusal fo the file shows that certified copy or the order has been placed on record which shows the stamps of the copying agency. The same suggest that certified copy was applied on 05.04.2024 and same was ready by 01.05.2024. even if the submission or the counsel is to be taken at its face value the



certified copies were ready by 01.05.2024 and the revision was filed almost after 10 month thereafter. There is no explanation as to what was the complainant doing from 09.06.2022 till April 2024 or from 01.04.2024 till the filing of the present revision petition.

10. I do not find any merit in the application seeking condonation of delay, the same is dismissed. Resultantly the revision petition is liable to be dismissed as barred by limitation and is accordingly dismissed.”

10. The abovesaid observations would clearly indicate the lax approach of the petitioner.

11. During course of the arguments, on the basis of query, learned counsel for the petitioner sought permission to place on record copy of the application filed before the learned Revisional Court whereby delay was sought to be condoned.

12. The application is, evidently, a sketchy one, lacking in material particulars. It contains vague assertions, with no supporting material. The relevant paragraphs read as under:-

“2. That in the above said matter, the revisionist could not file the present revision petition within stipulated time period as the impugned order dated 09.06.2022 was reserved and as soon as he got the order, he instructed counsel after managing finances as he is not financially well off. It is germane to mention that the applicant was severely unwell and incapacitated on health reasons. He has severe back pain which required bed rest for several months.

3. That the non filing of the revision petition within the stipulated period was neither intentional nor deliberate but was due the reason mentioned above which was beyond the control of the revisionist.

4. That it is very much essential and necessary to condone the delay in filing of the revision petition to reach at the just conclusion and fare decision of the case.”

13. To make things worse, the abovesaid application was supported with an affidavit by his counsel only, which is of no avail. It is not made clear as to why the abovesaid application was not supported with an affidavit of the revisionist himself.



14. It need not be emphasised that condonation of delay cannot be claimed as a matter of right, and it is entirely the discretion of the Court whether or not to condone delay. Power to condone delay is discretionary and may not be exercised even where sufficient cause is claimed, particularly in cases involving inordinate delay, negligence or lack of due diligence. Reference be made to *Pathapati Subba Reddy v. Collector (LA)*, (2024) 12 SCC 336. In *H. Guruswamy v. A. Krishnaiah*, 2025 SCC OnLine SC 54, Hon'ble Supreme Court emphasised that the length of delay is also a relevant factor which the court must take into consideration while considering whether the delay should be condoned or not. It also observed that the question of limitation is not merely a technical consideration and that rules of limitation are based on the principles of sound public policy and principles of equity and that no court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time.

15. This Court in *X v. State (NCT of Delhi)*, 2026 SCC OnLine Del 2344, while refusing to condone delay of 281 days in filing revision, has observed as under:-

“25. Thus, the law of limitation is founded on the principle that litigation must attain finality and that a lis cannot be permitted to remain alive indefinitely. While courts are empowered to condone delay in appropriate cases, such indulgence is not a matter of generosity or sympathy, but of judicial discretion to be exercised on settled principles. A litigant who is not diligent in pursuing the remedies available in law and who approaches the Court in a casual or indifferent manner cannot seek condonation of delay as a matter of right.

26. This Court is also of the opinion that the concept of a fair trial does not operate in isolation or only in favour of one party. Fairness in the administration of justice has to extend to all the stakeholders in the process, and while the complainant is entitled to avail remedies in accordance with law, the accused is also equally entitled to certainty and finality in proceedings. The Courts are, therefore, required to



carefully balance the competing interests between the parties, and condoning delay in cases where the litigant has failed to act with due diligence would not further the cause of justice, but would instead prolong the lis to the prejudice of the opposite party, who is entitled to repose after the grant of relief in accordance with law.”

16. Finding no merits or substance in the present petition, the same is, hereby, dismissed *in limine*.

17. The pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

MAY 13, 2026/ss/pb