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

% **Date of Decision: 12th January, 2026**

+ **CRL.M.C. 5221/2023**

SHARIF KHAN

.....Petitioner

Through: Mr. Pardeep Norula, Advocate
(Through VC)

versus

STATE OF DELHI AND ANR

.....Respondent

Through: SI Raghuraj, PS Sangam Vihar

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner had filed a complaint against Mr. Abdul Wahid (respondent no. 2) for committing offences of cheating and forgery.
2. After recording pre-summoning evidence, the concerned accused was summoned and pre-charge evidence was directed to be led. However, when the arguments on charge were heard by learned Trial Court, it came to conclusion that no offence was made out and, accordingly, accused was discharged and complaint was dismissed on 25.07.2020.
3. Such order was challenged by the petitioner/complainant by filing a Criminal Revision which was registered as Criminal Revision No. 157/2020.
4. When the aforesaid revision petition was taken up by the learned Revisional Court on 08.06.2022, it was *dismissed-in-default* as there was no appearance from the side of the petitioner.
5. When the petitioner sought its restoration, learned Trial Court, while issuing notice, also asked him to deposit cost of Rs. 1,000/- with the



concerned Delhi Legal Services Authority.

6. Cost was deposited but, later on, when such application was taken up by the learned Revisional Court, it came to conclusion that since a final order had been passed, the Court had no power to review the same and, therefore, revision petition was not restored.

7. Such order dated 10.04.2023 is under challenge.

8. Notice was issued and reply was also filed by respondent no. 2.

9. Fact remains that at the moment, this Court is not required to evaluate and appreciate the allegations and evidence led by the complainant.

10. Short question is whether revision petition could have been *dismissed-in-default* and whether it can be restored or not.

11. It is no longer *res integra* that neither any criminal appeal nor revision can be *dismissed-in-default*. Even if concerned appellant or revisionist is absent, the Court has to proceed further on merits and if required, assistance of *amicus curiae* can also be taken.

12. Viewed thus, dismissal of the revision petition for non-prosecution or in default was not permissible in the eyes of law.

13. Today, there is no appearance from the side of respondent no. 2.

14. However, as noted already, this Court is not required to make any observation on the merits of the case and there is apparent procedural irregularity and infirmity in the impugned order. Since the revision petition could not have been *dismissed-in-default*, the present petition is disposed of with direction to restore the revision petition to its original number and position. Learned Revisional Court is requested to consider the revision in accordance with law, after giving due opportunity of hearing to both the sides.

15. At the cost of repetition, this Court would clarify that there is no



observation by this Court concerning the merits of said revision petition.

16. A copy of this order be sent to learned Revisional Court for information.

(MANOJ JAIN)
JUDGE

JANUARY 12, 2026/dr/sy