



\$~98

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

+ **CRL.M.C. 8499/2025**

GULAM REZA

.....Petitioner

Through: Mr. Syed Ejaz Abbas Naqvi,
Advocate (Through VC)

versus

ITPL INFRASTRUCTURE PVT. LTD.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

09.02.2026

CRL.M.A. 4438/2026 (for early hearing)

1. The petitioner has filed this application seeking early hearing of the captioned petition.
2. It is contended that the next date of hearing before the Trial Court is 11.02.2026. For the reasons stated, the application is allowed, and the captioned petition is taken on Board.
3. The application stands disposed of.

CRL.M.C. 8499/2025

4. By way of this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner challenges order dated 28.07.2025, passed by the Metropolitan Magistrate, South District, Saket Courts, in 79 CT Case No. 12356/2019.
5. The complaint was instituted by the respondent herein, under



Section 138 of the Negotiable Instruments Act, 1881 [“NI Act”].

6. By the impugned order, the Magistrate has rejected an application under Section 311 of the Code of Criminal Procedure, 1973, filed by the petitioner herein. The petitioner has also annexed to the petition, an order of the Sessions Court dated 28.10.2025 in Cr. Rev. No. 514/2025, which reads as follows:

*“Present:- Mr. Syed Ejaz Abbas Naqvi, learned counsel for petitioner through VC.
Petitioner Gulam Reza through VC.
Mr. Waseem Akhtar Khan, learned counsel for petitioner in person.*

1) After advancing submissions, learned counsel for petitioner stated under instructions that the petition may be dismissed as withdrawn with liberty to file afresh.

2) Statement to the above effect of learned counsel for petitioner recorded separately.

3) In view of the above, petition is dismissed as withdrawn with liberty to seek appropriate recourse in accordance with law.

4) File be consigned to Record room after due compliance and necessary action, as per applicable rules.

5) Copy of this order be transmitted to Trial Court as per rules.”

7. It is evident that the petitioner herein filed a revision petition before the Sessions Court against the very same order. Mr. Syed Ejaz Abbas Naqvi, learned counsel for the petitioner, also confirms this position. A curious ground, however, is urged in the petition and during the course of arguments, that the revision petition before the Sessions Court was maintainable, but nonetheless withdrawn. The averment in the petition to this effect reads as follows:

“Applicant has approached Sessions Court under revision, but the Ld. Court has categorically declined and observe that Court do not entertain the Revision against rejection application of recalling of witnesses. Therefore applicant has to withdraw the revision No. 514 of 2025.”



8. It is clear from the order dated 28.10.2025 that the petitioner and his counsel were both present and that the revision petition was withdrawn, upon instructions advanced by the petitioner to his counsel. The submission of Mr. Naqvi, even before this Court, is that a revision petition is maintainable. Having regard to the above position, I do not see any reason to entertain this petition. The petitioner, having already approached the Sessions Court on the same issue and having withdrawn the revision petition, cannot be permitted to re-agitate the very same issue on identical grounds through the present proceedings.

9. The petition is, therefore, dismissed, without prejudice to any rights and remedies which the petitioner might possess in law.

10. The next date of hearing already fixed, i.e., 06.05.2026, stands cancelled.

PRATEEK JALAN, J

FEBRUARY 9, 2026

'sv'/AD/