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

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Date of Decision: 11.07.2025

+ **CRL.M.C. 4501/2025 & CRL.M.A. 19639/2025, 19640/2025 & CRL.M.A. 19638/2025 (stay)**

M/S V.G. WEAVING PRIVATE LIMITED FORMERLY KNOWN
AS M/S SHEENA WEAVING PVT. LTD & ANR.

.....Petitioners

Through: Ms. Sarika Jetly, Advocate

versus

M/S HAWK CAPITAL PRIVATE LTD

.....Respondent

Through: Ms. Devika Mohan, Advocate

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The petitioners have assailed order dated 22.05.2025 passed by the Court of Sessions, dismissing the revision petition filed by them.

2. I heard the learned counsel for petitioners at length, but in the end, it is counsel for respondent who disclosed that final arguments in the trial proceedings have already been concluded and matter has been reserved for judgment. To say the least, such conduct on the part of counsel for petitioners has to be deprecated. For, fairness as a counsel was that at the beginning itself, learned counsel for the petitioners should have disclosed that final arguments have already been concluded and the trial matter has been adjourned for pronouncement of judgment.



3. Broadly speaking, the circumstances giving rise to the present proceedings are as follows. The present petitioners are facing trial under Section 138 of Negotiable Instruments Act, where after conclusion of complainant's evidence and recording of statement of accused, multiple opportunities were given to the petitioners to lead defence evidence, but the same were not availed, so the trial court closed defence evidence vide order dated 08.08.2024. That order was challenged by the petitioners by way of revision petition and on 18.10.2024, the petitioners withdrew that revision petition, though were granted liberty by the revisional court to file an application before the trial court. The petitioners filed an application dated 13.11.2024 under Section 315 CrPC, which application was dismissed by the trial court vide order dated 05.04.2025. The petitioners filed a revision petition challenging order dated 05.04.2025 and that revision petition was dismissed by way of detailed order dated 22.05.2025 by the Court of Sessions.

4. The present petition under Section 482 CrPC assails order dated 22.05.2025 of the Court of Sessions. At the outset, a query was raised to learned counsel for petitioners as to whether the present petition would be maintainable in light of the prohibition under Section 397(3) CrPC. For, it is trite that what is prohibited by law cannot be granted a backdoor entry by invoking inherent powers; so, since Section 397(3) CrPC prohibits a second revision petition, inherent powers cannot be invoked to do the same.

5. As mentioned above, learned counsel for petitioners did not disclose throughout the hearing that final arguments in the trial proceedings under



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Section 138 of Negotiable Instruments Act already stand concluded and matter stands posted for pronouncement of judgment.

6. Considering the above circumstances, I have no doubt that the present petition has been filed simply to protract the trial proceedings which have already culminated and only pronouncement of judgment remains to be done. The present petition is not just devoid of merit and not maintainable, it also lacks *bona fides*. As such, the petition is dismissed with a cost of Rs. 25,000/- to be paid by the petitioner to the respondent within one week.

**GIRISH KATHPALIA
(JUDGE)**

JULY 11, 2025
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