



2026 :DHC :4638



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 20<sup>th</sup> May, 2026***

+ CRL.M.C. 1788/2026

RAJ BABU

.....Petitioner

Through: Mr. Raj Mani Mishra with Mr. Hari  
Kishan, Advocates

versus

ASHISH KUMAR CHAUDHARI AND ANR

.....Respondents

Through: None.

**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)****CRL.M.A. 7354/2026 (exemption)**

Exemption allowed subject to all just exceptions.

**CRL.M.C. 1788/2026**

1. Petitioner Raj Babu filed a complaint praying for taking cognizance of several offences under *Bharatiya Nayaya Sanhita* (BNS), 2023 as well as for offences under *Prevention of Corruption Act, 1988*.
2. When the abovesaid complaint was taken up by the learned Trial Court, it observed that the complainant did not know the alleged persons and he failed to explain whether any offence had been committed against him. It also observed that it had no jurisdiction to entertain any such complaint, particularly, when it was seeking cognizance under *Prevention of Corruption Act, 1988* also. The complaint was, accordingly, dismissed on 22.04.2025.
3. The abovesaid order was challenged by petitioner by filing a Revision Petition before the learned Court of Sessions and the learned Court of



Sessions also dismissed the abovesaid Revision Petition on 07.01.2026, *albeit*, for different reasons. Learned Revisional Court did notice the fact that any person, having knowledge of commission of a cognizable offence, could furnish information or institute a complaint and, therefore, to the abovesaid extent, the reasoning given by learned Trial Court was not legally sustainable. It also observed that perusal of the complaint also did not demonstrate that the complainant was seeking cognizance of any offence under *Prevention of Corruption Act, 1988* and, therefore, the observation made by the learned Trial Court with respect to the abovesaid aspect was also found not sustainable.

4. However, it observed that the case of the complainant/petitioner was to the effect that OBC Caste Certificate had been issued to respondent No.1 on the basis of misrepresentation, but except for the bald allegations, complainant had not placed on record any document or material to substantiate his such assertion. It also wondered as to how the Courts at Delhi would have territorial jurisdiction to entertain a complaint about forgery of a caste certificate which had, admittedly, been issued from District Basti, Uttar Pradesh. Though, according to the complainant, the alleged forged Certificate was used in 2013-2014 for securing admission in University of Delhi, the learned Revisional Court came to the conclusion that the abovesaid Certificate had been, allegedly, issued in March, 2013 and complaint had been filed nearly 12 years after the issuance and the alleged use of the Caste Certificate and it observed that the petitioner had not been able to offer any explanation as to why there was unexplained and extraordinary delay in approaching the Court.

5. It was in the abovesaid backdrop and while finding the allegations to



be vague, speculative and unsupported by any material, learned Revisional Court dismissed the Revision Petition on 07.01.2026.

6. Such order is under challenge.

7. The present petition has been filed under Section 482 Cr.P.C. (corresponding Section 528 BNSS) read with Article 227 of Constitution of India. The interference of this Court by invoking supervisory powers would be only when the finding are completely perverse, which does not seem to be the case herein.

8. Learned counsel for the petitioner submits that petitioner is active member of a non-Governmental Organisation (NGO) and he learnt about the obtainment of an OBC Certificate by respondent No.1 Mr. Ashish Kumar Chaudhari by falsely projecting his entitlement thereto and based on such certificate, he secured admission in *Shaheed Bhagat Singh College*, University of Delhi under *non-creamy layer category*. He submits that when the Revision Petition was filed, he had placed on record *Income Tax Returns* of such candidate and his parents, which, clearly, indicates that the issuance of certificate was based on misrepresentation and false documents. However, the certificate is of the year 2013 and the admission which was allegedly secured by respondent No.1 in said college was for the session 2013-14 and learned Revisional Court was fully justified in asking as to why the complaint had been filed after such inordinate delay. Even before this Court, no plausible explanation came from the side of petitioner.

9. Moreover, even as per the complainant/petitioner, the genesis lies in the issuance of OBC Certificate which, according to him, has been obtained on the basis of misrepresentation. The Courts at Delhi have no jurisdiction in order to assess and evaluate whether the abovesaid certificate had been



issued by misrepresenting the competent authority. Moreover, it is also not explained as to how the petitioner has been able to lay hands over the Income Tax Returns of the respondents and, therefore, the intention of the petitioner seems to be other than *bona fide*.

10. There is one more aspect of the case.

11. Though, the present petition has been filed under Section 528 of BNSS, for all practical purposes, it is a second revision petition by the same petitioner, which is not permissible in the eyes of law. It is settled position that the inherent powers provided under the Cr.P.C. (now BNSS) cannot be utilized for exercising powers which are expressly barred. Reference be made to *Dharampal and Others v. Ramshri (Smt) and Others*: (1993) 1 SCC 435, *Deepti Alias Arati Rai v. Akhil Rai and Others*: (1995) 5 SCC 751 and *Sharma Welding Store & Ors. v. Fortune Weld*: 2025 SCC OnLine Del 10563.

12. In *Sharma Welding Store & Ors. v. Fortune Weld*: 2025 SCC OnLine Del 10563, para 23 and 24 read as under:-

*“23. After the aforesaid concurrent rejection by the first Revisional Court, the petitioners have chosen to invoke the inherent jurisdiction of this Court under Section 528 of the BNSS (corresponding to Section 482 of the CrPC). This clearly amounts to seeking a second revisional adjudication, disguised as a miscellaneous petition. Such a course of action is impermissible. Section 397(3) CrPC (pari materia Section 438 (3) of the BNSS) expressly bars a second revision petition.*

*24. A litigant cannot be permitted to do indirectly what is expressly barred directly. The jurisprudential foundation of this bar stands settled which speaks that inherent powers cannot be used merely because another statutory remedy has been exhausted or is not available, and that inherent powers are not meant to create an alternate revisional forum. In *Krishnan v. Krishnaveni*, (1997) 4 SCC 241, the Hon'ble Supreme Court held that where a revision has already been filed and decided by the Sessions Court, a further petition before the High Court cannot be entertained under Section 482 CrPC*



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*to circumvent the embargo contained in Section 397(3) of the CrPC and to avoid multiplicity of proceedings unless there has been failure of justice such as illegality in the order, which is not the case in the instant matter due to the reasons discussed in the preceding paragraphs.*

13. Moreover, there is no illegality or failure of justice, which may necessitate any inference by this Court by invoking its inherent powers.
14. Finding no merit or substance in the present petition, the petition is, accordingly, dismissed.

**(MANOJ JAIN)**  
**JUDGE**

**MAY 20, 2026/st/sy**