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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 24th April, 2026

+ CRL.M.C. 2030/2026 & CRL.M.A. 8359/2026

RAVI VERMA

.....Petitioner

Through: Mr. Divye Chugh with Ms. Priya Wadhwa, Mr. Angel Bhardwaj, Mr. Hazel Bhardwaj, Mr. Rachit Raushan, Advocates.

versus

JITENDER SAPRA

.....Respondent

Through: Mr. B.S. Jakhar with Mr. Vikram Singh Jakhar, Ms. Bhawna Jakhar, Mr. Neeraj Jakhar, Mr. Shubham Dabas, Mr. Viraj Rathee, Ms. Nidhi Jakhar, Mr. Harris Mudgal, Ms. Aastha Gautam, Advocates for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. When the present matter was taken up by this Court on 19.03.2026, the following facts were recorded:-

"1. Petitioner has been summoned for commission of offence under Section 138 of Negotiable Instruments Act, 1881. When the abovesaid complaint, before taking cognizance, was taken up by the learned Trial Court on 15.09.2025, the accused, as the legal position existed during that time, appeared and apprised that part payment had, in fact, been made during notice period itself. Learned Trial Court took note of the abovesaid fact and fixed up the matter for orders but when the order was passed on 31.10.2025, the accused was summoned without taking note of the abovesaid material aspect of part payment. It is submitted that there was delay in lodging the complaint and accused was also heard on condonation of delay and while condoning the delay, the accused was summoned without taking notice of the abovesaid fact of part payment.



2. *It is submitted that if a material fact is suppressed, then concerned party cannot be permitted to seek justice from the Court.*
3. *Reliance is placed upon Rekha Sharad Ushir vs. Saptashrungi Mahila Nagari Sahkari Patsansta Ltd.: 2025 SCC OnLine SC 641, Vishnoo Mittal vs. Shakti Trading Company: 2025 SCC OnLine SC 558 and S.P. Chengalvaraya Naidu vs. Jagannath: 1993 SCC OnLine SC 318.*
4. *It is submitted that when a revision petition was filed challenging the abovesaid summoning order, the learned Revisional Court though took note of the abovesaid contention but in the impugned order dated 13.02.2026, there is no discussion, whatsoever, about the abovesaid material aspect. Indeed, the abovesaid contention is found recorded in order dated 13.02.2026 but it seems that these are not dealt with as the learned Revisional Court was of the view that the objective behind the enactment of the provisions dealing with revisional jurisdiction was to correct a patent defect or error of jurisdiction or law.*
5. *Learned counsel for the petitioner submits that the abovesaid aspect goes to the very root of the matter and could not have been disregarded. He submits that in view of the above, he would have no objection if the matter is remanded to the learned Revisional Court to answer the abovesaid issue, in accordance with law.*
6. *None appears on behalf of respondent despite advance notice.*
7. *Issue notice to respondent through all permissible modes, returnable on 24.04.2026.”*

2. Service has been effected upon the respondent and today Sh. Vikram Singh Jhakar, learned counsel appears on behalf of respondent. Though he disputes the facts mentioned in the present petition, he submits that, without prejudice to his rights and contentions, he would have no objection if the matter is remanded and learned Revisional Court is asked to reconsider the matter in relation to contentions qua part payment and suppression of facts. He, however, reiterates that there was never any suppression of facts either.
3. In view of the above, without going deeper into the merits of the case and without making any observation with respect to the rival contentions, the petition is disposed of with direction to learned Revisional Court to take up the abovesaid Revision Petition again and after giving due opportunity of hearing to both the sides, decide the Revision Petition, afresh.



4. Needless to say, in case the petitioner is aggrieved by the outcome of his revision petition, he would be at liberty to take further appropriate action, as permissible under law.
5. Parties are directed to appear before learned Revisional Court on 05.05.2026.
6. Petition is, accordingly, disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 24, 2026
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