

Crl. Revision No. 150/2025
Ramesh Chander Gupta Vs. Imran

16.07.2026

Present: Sh. Sachin Gupta and Ms. Prashansa Singh, Ld. Counsel for the revisionist.
Sh. Rahul Rai and Sh. Sunil Pawar, Ld. Counsel for the respondent.

1. The present proceedings have been instituted by the complainant/revisionist under the nomenclature of a “Criminal Revision Petition”, assailing the order on sentence dated 09.12.2024 passed by the Ld. Trial Court in CC NI Act No. 7549/2021 titled as *Ramesh Chander Gupta Vs. Imran Khan*, whereby respondent, upon being convicted for the offence punishable under Section 138 N.I. Act, has been sentenced to pay fine equivalent to Rs.30,00,000/- along with Simple Interest @ 9% p.a. from the date of dishonor of the cheque till the date of judgment which shall be paid as compensation to the complainant. The principal grievance raised by the complainant/revisionist is that the sentence so imposed by Ld. Trial Court is grossly inadequate and not commensurate with the nature and gravity of the offence. Enhancement of the sentence has, accordingly, been sought.

2. During the course of consideration of the matter, an issue has arisen as regards the appropriate legal character of the proceedings, namely, whether the challenge, though instituted in the form of a revision petition, is required to be treated as an ‘Appeal’ in view of the nature of the grievance raised and the substantive relief sought.

3. During the course of arguments, Ld. Counsel for the revisionist submitted that initially the complainant/revisionist had preferred an appeal against the impugned order which was registered as Crl. Appeal No. 52/2025, however, the said appeal was withdrawn on a ‘technical ground’ with permission of the Court. The complainant/revisionist approached Hon’ble Delhi High Court and file Crl. Revision Petition No. 57/2025. In the meantime, during research, the complainant/revisionist learned that the revision/appeal is maintainable before the

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Court of Sessions only and subsequently, the aforesaid revision petition was withdrawn.

4. It is well settled that the nomenclature assigned to a proceeding is not invariably determinative of its true nature. The Court is required to examine the substance of the pleadings, the nature of the grievance raised and the relief sought. A *bonafide* error in describing or invoking the jurisdiction of the Court ought not, by itself, to result in the extinguishment of a substantive remedy, particularly when the proceedings have otherwise been instituted before a Court competent to entertain the appropriate remedy.

5. Procedural law is intended to facilitate the administration of justice and not to operate as an impediment thereto. Where a litigant has approached the competent forum within the prescribed period but has inadvertently invoked an incorrect provision or described the proceeding by an incorrect nomenclature, the Court may, where legally permissible and where no prejudice is caused to the opposite party, treat the proceeding in accordance with its true legal character rather than non-suit the litigant solely on a technical consideration.

6. In the case at hand, a holistic reading of the petition makes it manifest that the challenge is essentially directed against the quantum and adequacy of the sentence awarded by the Ld. Trial Court. The substance of the proceedings, therefore, is a challenge to the order on sentence, notwithstanding that the petition has been presented under the nomenclature of a criminal revision.

7. The Court is also mindful that conversion of one form of proceeding into another is not to be undertaken mechanically and cannot be permitted where such conversion would confer a substantive right which is otherwise unavailable under law, circumvent a statutory bar, alter the forum prescribed by the legislature, or cause prejudice to the opposite party. The maintainability of the proceedings must, therefore, ultimately depend upon the existence of a statutory right in favour of the petitioner to maintain the substantive challenge sought to be raised.

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8. In the present case, since the revisionist claims the status of a complainant/victim and seeks to assail the inadequacy of the sentence, the petition is required to be examined with reference to the statutory remedy, if any, available to such person against the *impugned* order. Hence, this Court finds no legal impediment in treating the present proceedings in accordance with their substance rather than their form.

9. Consequently, in the interest of substantial justice and in order to obviate multiplicity of proceedings, the present criminal revision petition is directed to be treated and registered as a 'Criminal Appeal'.

10. Ahlmad is accordingly directed to convert the present revision petition to a Criminal Appeal and make necessary corrections in the relevant registers and CIS records.

11. It is made clear that the present order merely permits the proceedings to be treated in their appropriate procedural form and shall not be construed as an expression of opinion either on the merits.

11. Put up with connected appeal on **11.08.2026**.

(Shefali Barnala Tandon)
ASJ-06 / New Delhi District
Patiala House Court/16.07.2026 (gr)