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Mukesh Gandhi vs Deepak Sachdeva

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Court : Delhi

Decided On : Mar-30-2026

Judge : Hon'Ble Mr. Justice Anup Jairam Bhambhani

Appeal No. : CRL.REV.P./149/2026

Appellant : Mukesh Gandhi

Respondent : Deepak Sachdeva

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.REV.P. 149/2026 MUKESH GANDHI .....Petitioner Through: Counsel (appearance not given)

versus

DEEPAK SACHDEVA .....Respondent Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 30.03.2026 CRL.M.A. 7463/2026 (exemption) Exemption granted, subject to just exceptions. The application stands disposed-of.

CRL.REV.P. 149/2026

CRL.M.A. 7464/2026

By way of the present petition filed under section 442 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the revisionist impugns order dated 02.02.2026 passed by the learned Additional Sessions Judge-05, South District, Saket Courts, New Delhi in appeal bearing CA No. 403/2024.

2. Vid judgment dated 21.08.2024, the petitioner was convicted for the

offence under section 138 of the Negotiable Instruments Act, 1881 (N.I. Act); and vid sentencing order dated 30.08.2024, the petitioner was sentenced to a fine of Rs.30 lacs, with a default imprisonment of 06 months.

3. The petitioner preferred an appeal against the aforementioned

conviction on 28.09.2024; and after the appeal had remained pending for about 11 months, on 06.08.2025 the petitioner moved an application under section 432 of the BNSS seeking to place on record some additional documents, which has come to be rejected vid impugned order dated 02.02.2026 passed by the learned sessions court.

4. The documents sought to be placed on record are certified copies of

02 different criminal complaints filed by the respondent (complainant) and his wife viz., Leena Sachdeva against a third person viz. Phire Singh, under section 138 of the NI Act.

5. The cheque that is subject matter of the present proceedings, in which

the petitioner has been convicted was for a sum of Rs. 22,50,000/-. Learned counsel appearing for the petitioner submits, that the petitioner had sought to produce the additional documents to show two aspects : firstly, that the respondent did not have the financial capacity to advance a loan of Rs. 22,50,000/- to the petitioner in cash, since at the relevant time the respondent had filed a tax return of much less; and secondly, that around the same time when the respondent says he had given a loan to the petitioner, the respondent had also advanced the sum of Rs. 12 lacs to the aforementioned Phire Singh through RTGS; and that therefore, it cannot be believed that the respondent would have advanced a loan to the petitioner in cash, especially without any written agreement.

6. Learned counsel submits, that moreover, the respondent being a

Chartered Accountant by profession, is well aware about the

 provisions of law and it is improbable that he would lent more than Rs. 20 lacs to the petitioner in cash.

7. Learned counsel further argues, that the documents sought to be

produced before the learned trial court are the certified copies of documents obtained from other court records; and that therefore, the respondent could not possibly have raised any objection as to the authenticity of those documents.

8. In this backdrop, the learned Sessions Court has rejected the

application filed by the petitioner seeking to place on record the additional documents, based on the following reasoning : 4. In the present case, it is matter of record that trial of case u/s 138 NI Act has been concluded wherein appellant has already been convicted. It is further matter of record that the documents sought to be placed on record vide present application were not the part of the Trial Court record or were not dealt in evidence before the Ld. Trial Court. These documents have been brought on record for the first time in appeal and not during the entire trial. It is relevant to mention that this application for placing additional documents has been preferred after 11 months of filing present appeal. The sentence of the appellant was suspended subject to condition of deposit of 20% of the fine amount vide order dated 28.09.2024. This application for filing additional documents has been filed only after disposal of application for

waiving of deposit of 20%, which was reduced to 10% vide order

dated 21.10.2024. and dismissal of further application of waiver of 10% fine amount vide order dated 28.11.2024 and consequent to revocation of sentence order and not along with the appeal. Record of instant appeal also confirms that appellant failed to pay cost of Rs. 10,000/- imposed vide order dated 21.12.2024. It may be mentioned that in the present case U/s 138 NI Act complainant advanced loan to the appellant/complainant between 17.08.2016 to 08.09.2016, however, in the case U/s 138 NI Act titled 'Deepak Sachdeva vs. Phire Singh', documents of which are sought to be

 placed on record, the loan amount was transferred through RTGS on 08.07.2016 i.e. more than one month (40 days) prior to the transaction involved in the present case. There is

no presumption against the complainant or any binding condition upon him that since he advanced loan to some other person 40 days before through RTGS then he is bound to advance loan to the appellant/convict through same mode. The respondent (Phire Singh), transaction, understanding between those parties, loan period etc. in the relied upon case is different which has no

concern with the appellant/convict herein. Hence, the ratio of facts

of said case cannot be applied upon in the present case. 5.Since the other case relied upon titled 'Leena Sachdeva vs. Phire Singh', is altogether different wherein appellant/convict or complainant are not parties, therefore, no reference thereof can be taken in the present case as even if, Leena Sachdeva is wife of complainant as she is an independent persons in itself. Each case has it own merits and in the case in hand the facts and circumstances of the relied upon case are altogether different as the facts thereof, parties therein, understanding of transaction between the parties, mode of payment etc. are different as compared to present case.The gravity of the documents sought to be placed on record does not invite attention of this Court to order for placing them on record being irrelevant. This Court can only be guided by the relevant evidentiary material, which has binding upon the merits of the present case, however, the relied upon documents does not touch/effects the merits of the present appeal in any manner. The documents relied upon at this stage were also not relied upon anytime during trial which concluded after a long period of 8 years.

(emphasis supplied)

9. As a consequence of the aforesaid, the learned Sessions Court has

dismissed the application, observing that the application filed by the petitioner may have been a tactic on the petitioners part to delay the decision of the appeal.

10. Furthermore, the learned Sessions Court has also observed that the documents sought to be produced, even if these are certified copies, have no relevance or connection with the cheque issued by the petitioner to the respondent, since the transactions that were subject matter of the additional documents were between the respondent and his wife with other third-parties, and such documents would therefore have no bearing on the case at hand.

11. It also cannot be ignored that the criminal complaint itself was filed sometime in 2017; and came to be decided on 21.08.2024after about 8 years.

12. Furthermore, the appeal itself had remained pending for almost 11 months, whereafter the petitioner filed the application seeking to adduce additional documents.

13. On a conspectus of the foregoing, this court is of the view that there is nothing remiss in the correctness, legality or propriety of order dated 02.02.2026 passed by the learned Sessions Court; and this court is therefore not inclined to entertain the present revision petition.

14. The revision petition is accordingly dismissed as being devoid of

merit.

15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MARCH 30, 2026

V.Rawat

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