



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2676/2024

Jai Kishan S/o Sh. Prahlad Ram, Aged About 64 Years, R/o Plot
No. 44, Tilak Nagar Ii, Bhadwasiya Road, Dist Jodhpur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Ramprakash S/o Sh. Raghunath Mal, R/o Ghewarchand
Raghunath Mal, Achalnath Ji Mandir Ke Pass, Lakhara
Bazar, Jodhpur, Raj.

-----Respondents

For Petitioner(s) : Ms. Radha Bishnoi
For Respondent(s) : Mr. Surendra Bishnoi, AGA
Mr. Sukesh Bhati

HON'BLE MR. JUSTICE FARJAND ALI

Order

REPORTABLE

10/02/2026

1. The petitioner-complainant, having instituted proceedings under the Negotiable Instruments Act, invoked the jurisdiction of the learned Metropolitan Magistrate No.3, Jodhpur by preferring an application under Section 143A of the Act, praying for interim compensation to the extent of 20% of the cheque amount. The learned Magistrate, upon a comprehensive appraisal of the factual matrix and the rival submissions, declined the said relief by a reasoned order dated 01.02.2023 in Case NCV No.6393/2020. The petitioner carried the matter in revision before the learned Additional Sessions Judge No.2, Jodhpur in Criminal Revision No.06/2023 & NCV No.105/2023; however, the revisional



court, by order dated 24.11.2023, affirmed the determination of the trial court, thereby resulting in concurrent judicial findings against the petitioner.

2. When the matter has now been brought before this Court, it assumes immediate procedural significance that the present petition, though couched under a nomenclature distinct from that of a criminal revision, in essence seeks reconsideration of the very order which has already been subjected to revisional scrutiny. A careful and analytical reading of the pleadings, grounds, and the relief sought leaves no room for doubt that the substance of the challenge remains unchanged. The transformation in procedural attire cannot alter the juridical character of the proceedings.
3. The procedural history unequivocally demonstrates that the petitioner, having suffered an adverse order from the Magistrate, availed the statutory remedy of revision before the Sessions Court and, upon failure therein, has attempted to re-open the identical issue before this Court. Such a course, irrespective of the terminology employed, partakes of the character of a second revision.
4. It is a settled tenet of procedural law that courts must look beyond form to substance. The true nature of a proceeding is to be determined by the essence of the relief claimed and not by the nomenclatural device adopted by the litigant. Judicial scrutiny cannot be thwarted by semantic innovation.





Where the legislative scheme imposes an embargo, the same cannot be diluted by procedural ingenuity.

5. Section 397(3) of the Code of Criminal Procedure enacts a clear prohibition against entertaining a second revision at the behest of the same party. The object underlying this statutory restraint is to ensure finality in adjudication, to maintain procedural discipline, and to prevent multiplicity of challenges that would otherwise impede the expeditious administration of criminal justice.
6. This Court is not unmindful of the amplitude of its inherent and supervisory jurisdiction, which may be invoked to rectify patent illegality, jurisdictional transgression, or manifest miscarriage of justice. However, such extraordinary powers are not to be employed as a substitute for revisional remedies already exhausted. Their exercise is reserved for rare and compelling situations where palpable injustice stares at the face of the record.
7. In the case at hand, no such exceptional or extraordinary circumstance has been demonstrated. The petitioner has not been able to point out any perversity, arbitrariness, material irregularity, or jurisdictional infirmity in the concurrent orders passed by the courts below.
8. On the merits of the controversy, this Court finds that the learned Magistrate exercised the discretion conferred under Section 143A of the Negotiable Instruments Act in a judicious and balanced manner. The provision confers a





discretionary authority and does not mandate automatic award of interim compensation. The exercise of such discretion is contingent upon the factual substratum of each case and the equities emerging therefrom.

9. The order of the trial court discloses a reasoned analysis of the relevant considerations and reflects conscious application of mind. The revisional court, upon independent examination, concurred with the reasoning and found no justification for interference. The concurrent findings thus rest upon sound legal footing and cannot be characterized as capricious or perverse.
10. In view of the statutory bar against a second revision, coupled with the absence of any manifest illegality or miscarriage of justice, this Court finds no lawful basis to unsettle the determinations rendered by the courts below.
11. Consequently, the present petition, being procedurally untenable and substantively devoid of merit, stands dismissed. All consequential directions shall follow in accordance with law.

(FARJAND ALI),J

50-Mamta/-

