

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(@ SLP (CRL.) No.5873/2026)

RAJEEV MEHTA @ RAJIV KISHOR
KIRTILAL MEHTA

APPELLANT (s)

VERSUS

PARAM BIR SINGH

RESPONDENT(s)

O R D E R

Leave granted.

We have heard the learned Senior Counsel appearing for the parties.

Learned Senior counsel appearing for the appellant raised two issues before us.

First is on the issue pertaining to the jurisdiction of the Trial Court, with specific reference to territorial jurisdiction, which, though raised, not considered by the High Court. The second is on the application of Section 225 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') before exercising the jurisdiction under Section 223 of the BNSS.

On the second issue, we find considerable force

in the submission made by the learned Senior counsel for the appellant. Section 225 of the BNSS in specific terms, provides that the said power has to be exercised upon receipt of a complaint of an offence of which the learned Magistrate is authorised to take cognizance, or which has been made over to the Magistrate under Section 212 of the BNSS.

Therefore upon such receipt, it is mandatory on the part of the Magistrate to press into service Section 225, upon satisfying himself that the accused person is residing at a place beyond the area in which he exercises jurisdiction. Admittedly, in the case on hand, the appellant is residing in Mumbai outside territorial jurisdiction of the Magistrate.

In such view of the matter, the finding on issue No.2 by the High Court stands set aside, as accepting the said contention would make Section 225 as otiose and redundant.

The first issue, though raised, the High Court did not go into the same. Section 223 would be amenable to a Magistrate who has jurisdiction. Therefore, the Magistrate will have to satisfy himself that he does, in fact, have jurisdiction before proceeding further. When the issue of jurisdiction has been raised specifically before the High Court, the same ought to have been answered by the High Court in one way or the other. In such view of the matter, we are inclined to

remit the matter to the High Court for deciding the issue No.1, namely, the jurisdictional issue.

We request the High Court to pass appropriate orders on the same within a period of 3 months from the date of receipt of a copy of this order.

We make it clear that, by taking note of the submissions made by the learned Senior counsel appearing for the respondent, we have not expressed anything on the factual averments or submissions made with respect to issue No.1

In the meantime, there shall be a stay on the proceedings pending before the Trial Court.

The appeal, is allowed, accordingly.

Pending application(s), if any, shall stand disposed of

.....J.
[M.M. SUNDRESH]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
APRIL 10, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5873/2026

[Arising out of impugned final judgment and order dated 23-03-2026 in CRMM No. 15721/2026 passed by the High Court of Punjab & Haryana at Chandigarh]

RAJEEV MEHTA @ RAJIV KISHOR KIRTILAL MEHTA Petitioner(s)

VERSUS

PARAM BIR SINGH Respondent(s)

IA No. 100390/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 10-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
 HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Mr. Kapil Sibal, Sr. Adv.
 Mr. Gautam Narayan, Sr. Adv.
 Mr. Tishampati Sen, Adv.
 Ms. Riddhi Sancheti, AOR
 Mr. Dikshat Mehra, Adv.
 Mr. Mohnish Bhatia, Adv.
 Mr. Anurag Anand, Adv.
 Mr. Mukul Kulhari, Adv.

For Respondent(s) :Mr. Devdutt Kamat, Sr. Adv.
 Mr. Avishkar Singhvi, Adv.
 Mr. Utsav Trivedi, Adv.
 Mr. Arpit Gupta, AOR
 Mr. Vivek Kumar Singh, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

Leave granted.

The appeal is allowed in terms of the signed order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(MOHD IBRAHIM)
SENIOR PERSONAL ASSISTANT

(AVGV RAMU)
COURT MASTER (NSH)