

**In the Court of Dig Vinay Singh, Special Judge PC Act, (CBI)-09,
MPs/MLAs Cases, Rouse Avenue Courts, New Delhi.**

In re:

**Crl. Rev No. 3/2026
CNR No. DLCT11-000076-2026**

Alka Lamba
D/o Sh. Amar Nath Lamba
R/o C-39, Tagore Garden, West Delhi
Delhi – 110027.

..... *Revisionist*

Vs.

State (NCT of Delhi)
(Through Station House Officer)
Police Station – Parliament Street
Sansad Marg, Police Colony,
Connaught Place, New Delhi, Delhi

..... *Respondent*

*Date of institution: 20.01.2026
Date of arguments: 29.01.2026
Date of order: 06.02.2026*

ORDER

1. The present revision petition has been preferred U/s 438 of Bharatiya Na-garik Suraksha Sanhita, 2023 (BNSS), challenging the impugned order on charge dated 19.12.2025 passed by Ld. ACJM-04, RADC, New Delhi. The Ld. Trial Court directed the framing of charges against the revisionist U/s 132, 221, 223(a), & 285 of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. The facts of the case, as mentioned in the impugned order in para 2 to 4, read as follows;

“2. In brief, the ease of the prosecution is that on 29.07.2024, PSI Anita Singh was on emergency duty when HC Manish (Belt no. 1880/ND), came to the police station and got his statement recorded that, on the aforesaid date, his duty was at Jantar Mantar protest site where Smt. Neetu, National Women President Congress, had called for protest in support of the issue of Women Reservation and that the accused was the main speaker. It was also stated that 2-3 other protests were also being organized and all were

informed that Order under Section 163 Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') has been promulgated outside the protest site i.e., Jantar Mantar Road. Furthermore, the complainant stated that at about 1:30 PM, Alka Lamba alongwith other protesters came to the barricades towards the Tolstoy Road and started raising slogans, being adamant to "gherao" (surround/siege) the Parliament. That the Senior Police Officials employed loud hailers to warn the protesters about the imposition of Section 163 BNSS and requested to end their protest, however the protesters, on being instigated by the accused, were adamant to march towards the Parliament for "gherao" (surround/siege).

3. It is further stated that the accused and the protesters pushed the female and male police officials, jumped the barricades and some of them even blocked the road opposite Free Church by lying on the main road which hindered public's right of way. It is also mentioned that despite repeated explanations, accused and the protesters did not listen and thus, were detained.

4. The complaint, which disclosed about the commission of cognizable offence, was reduced into writing and the present FIR was registered and investigation had been conducted. Investigation revealed that Order dated 14.05.2024, under Section 163 BNSS was issued vide No.3401-3525/R-ACP/Pt. Street by ACP, Sub-Division Parliament Street, New Delhi District. Site plan was prepared and videos of the whole incident were collected from the Photo Cell Section of Jantar Mantar on 29.07.2024. It was also revealed during investigation that Ms. Neetu Verma Soni wrote a letter as General Secretary, All India Mahila Congress on 11.07.2024 and 23.07.2024, seeking permission to have a protest at Jantar Mantar. The said letter with other documents is at page 21 to 33 of the police report. It has also been stated in the police report (at page 34) that rejection of request to siege parliament house was informed vide letter dated 24.07.2024 by the senior officers. Nevertheless, the accused came at Jantar Mantar along with other women for the protest without permission. On 05.03.2025, the accused was served with a notice under Section 35(3) BNSS through her staff while she was on a video call and she authorized her staff to receive the said notice. Further, she undertook to appear before the Court as and when summoned. The complaint dated 14.04.2025, under Section 215 BNSS from ACP, Sub-Division Parliament Street is also annexed with the police report since the offence involved Section 221 and 223(a) of the BNS."

3. Under the impugned order, the application filed by the revisionist seeking discharge/termination of the proceedings was dismissed, and the charges under the above-mentioned sections were ordered to be framed.
4. The revisionist contends that the Prosecution's case is marred by an "evidentiary vacuum", claiming the absence of any medico-legal certificate (MLC) or injury report. It is further claimed that the protest occurred within an "Exempted Area" on Jantar Mantar road, making the charge of disobedience U/s 223 (a) of the BNS a legal impossibility. The revisionist also raises a jurisdictional bar U/s 215 BNSS, asserting that the mandatory written complaint was missing at the time of filing the initial charge sheet.
5. On behalf of the State, oral arguments were advanced opposing the revision, and no formal reply is filed.
6. Arguments from both sides were heard.
7. Before proceeding further, it is noted that the scope of revision U/s 438/440 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), which corresponds to Sec. 397/399 of the erstwhile Cr.P.C., is limited. The scope of interference and exercise of Revisional jurisdiction is very restricted; it should be exercised sparingly, especially when the decision under challenge is clearly erroneous, there is non-compliance with legal provisions, the finding recorded by the Trial Court is based on no evidence, or material evidence has been ignored, or judicial discretion is exercised arbitrarily or perversely in framing the charge. In view of this limited scope, the facts of the case and the contentions raised by the revisionist shall be examined.
8. The arguments of the revisionist are broadly based on four pillars, viz., incurable jurisdictional bar, lawful protest in an exempted zone, absolute evidentiary vacuum, and selective and malicious prosecution.
9. Firstly, it is argued that the proceedings are a nullity from inception because the mandatory procedural requirement U/s 215 BNSS was not complied

with, and there was no contemporaneous complaint from the public servant. The prosecution attempted to cure this defect by filing a post facto complaint, which is claimed to be legally impermissible.

- 9.1. This argument must be rejected, as before the order of cognizance dated 20.08.2025, a complaint as required U/s 215 of BNSS for the offence U/s 221/223(a) BNS was filed by the concerned official, which the Ld. Trial Court considered before taking cognizance. Even though at the time of filing the final report there was no such complaint U/s 215 BNSS, and even though the Ld. Trial Court observed the absence of such a complaint in its order dated 21.07.2025, there is no bar to filing such a complaint before cognizance is taken.
- 9.2. The bar to taking cognizance for offences U/s 206 to 223 (excluding Sec. 209) of BNS is only that before taking cognizance of such offences there ought to be a written complaint by the public servant concerned in terms of Sec. 215 BNSS. Once such a complaint is filed by the public servant, even if it is not initially filed, there is no legal hurdle to taking cognizance of the offence after such a complaint is filed. The law does not prohibit filing a charge sheet in the absence of a complaint U/s 215 BNSS. The law only requires that such a complaint must exist before cognizance is taken. Once cognizance was taken by the Ld. ACJM after receipt of such a complaint, the impugned order cannot be faulted on this score.
- 9.3. Reliance placed by the revisionist in this regard upon the case of *Jeevanandham & Ors. Vs. State & Ors. MANU/TM/5423/2018*, *C. Muniappan Vs. State of TM (2010) 9 SCC 567*, and *Kantamaneni Ravishankar Vs. State of Andhra Pradesh 2021 CRLJ 613*, are distinguishable on facts and are of no advantage to the revisionist.
10. It is next argued by the revisionist, that the protest occurred on Jantar Mantar road, a location explicitly designated as an exempted area from prohibitory orders in the police's own official communications; that the protest was

peaceful and lawful, held within the designated and exempted zone of Jantar Mantar; there are no independent witnesses to support the prosecution's claims, with all witnesses being police officials; the video recordings relied upon by the Prosecution do not support its case; the videos depict protesters standing and sitting peacefully between two barricades in a confined, non-public area and no public road was ever blocked and; the site plan on record does not show the placement or existence of the alleged barricades. It is argued that this makes the charge of disobedience to a public order a legal impossibility.

10.1. The State contends that the revisionist, as the main speaker at the protest, led demonstrators beyond the permitted area of Jantar Mantar, pushed police officials, jumped multiple barricades, and blocked Sansad Marg, all while an order U/s 163 BNSS was in effect. According to the police report, on 29.07.2024, a protest concerning women's reservation was organised at the Jantar Mantar protest site by Smt. Neetu, General Secretary of the National Women President Congress, with the revisionist as the main speaker. An order U/s 163 BNSS, issued on 14.05.2024, was in effect, prohibiting such assemblies in the area of Sub-Division Parliament Street, except for the exempted Jantar Mantar road. At approximately 1.30 PM, the revisionist and other protesters moved towards the barricades on Tolstoy Road, raising slogans and expressing their intent to gherao (surround/siege) the Parliament. Senior police officials used loudspeakers to warn the protesters about the prohibitory order and to request that they cease their advance.

10.2. The Prosecution asserts that the revisionist was not merely a participant but the primary instigator and leader of the unlawful actions. She repeatedly instigated fellow protesters to breach the police barricades and march on towards Parliament. Allegedly, she and her protesters pushed both female and male police officials who were performing their duty. The revisionist herself jumped the first police barricade and instigated other female protesters to

follow. She then led the group to the second layer of barricades. Protesters, including the revisionist, blocked Sansad Marg (opposite Free Church) by lying on the main road, thereby hindering the public's right of way. According to the Prosecution, these actions were in direct contravention of the promulgated order U/s 163 BNSS.

10.3. The Ld. ACJM noted in the impugned order that the videos (bearing serial no. 437 & 442) were played in open Court and found that the footage reveals the revisionist "*pushing the police officials*", "*instigating the other protesters..... to jump the barricades*", and being "*the first to lead the protesters to jump from the first line of barricade*". Ld. ACJM observed that after jumping the first barricade, the revisionist could be seen leading protesters to push a chain of women police officers and subsequently lying on the public road. It also noted that after successfully jumping the second barricade, the revisionist vanished after reaching Tolstoy Road. As per Ld. ACJM, the statements of complaint and other police officials were found to indicate that the revisionist was instrumental in leading demonstrators out of the permissible area, using criminal force against officers, and willfully disobeying a promulgated order.

10.4. **A perusal of the Trial Court Record reveals that, besides the videos, there are specific allegations in the statement of the complainant, HC Manish**, who was on duty at the protest site. He stated that despite being informed about the promulgation of Sec. 163 BNSS outside the protest site, at about 1.30 PM the revisionist, along with her supporters, came near the side barricade towards Tolstoy road. All the women were shouting slogans loudly and intended to go to Parliament House to surround it. They were warned by senior officers using loud hailers not to go towards the Parliament House and were informed about the proclamation, with a request to end the protest. However, due to instigation by the revisionist, all the women were

adamant about reaching the Parliament House to surround it, and they suddenly jumped over the police barricades at the Jantar Mantar site towards the outside and lay down on the road. After some time, the revisionist again instigated her fellow women, saying that they must surround the Parliament House itself. The protesting women pushed the female and male staff on duty, jumped over the second barricade, went to Parliament Street opposite Free Church, blocked the road, and lay down on the road, which blocked the public way and caused inconvenience to the people commuting there. They did not listen despite repeated requests and warnings by the police and were detained by the female staff. In view of the proclamation, the ongoing Parliament session, and the security of members of Parliament, the public way was reopened.

10.5. Besides the statement of HC Manish, ASI Ashok also stated in his statement supporting/corroborating the complainant. He too specifically stated that the revisionist jumped over the police barricades, lay down on the road, and instigated the women to surround the Parliament despite warnings. After some time, she again instigated her fellow women, telling them that they must gherao the Parliament building itself. He too stated that the protesting women pushed the female and male police staff on duty, jumped over the second barricade, and reached Parliament Street Opposite Free Church, where they blocked the road and lay down, resulting in the general path being blocked and causing inconvenience to the people's movement.

10.6. Thus, it is not merely on the videos that the charge has been framed by the Ld. ACJM. Besides the videos, there are statements of eyewitnesses, and even if there is some variance between the versions of the eyewitnesses and the videos in question, it would be a question of trial and cannot be prejudged at this stage.

10.7. The revisionist places heavy reliance on the exempted zone status of Jantar Mantar. However, the record shows that although Jantar Mantar was exempted, the revisionist led a march beyond that area towards Parliament with the intent to gherao (siege) the building. The Ld. Trial Court observed that the revisionist moved beyond the security layers, resulting in protesters lying on the road, which caused obstruction and annoyance to the public and officials. In this regard, the Ld. Trial Court has made categorical observations in Paras 13 to 15 of its order.

10.8. Even this Court has perused the videography taken by the officials present at the spot. The videos indicate that the revisionist not only jumped the first barricade but also instigated other protesters to jump the barricades through her gestures, and ultimately succeeded in instigating them to do so. She herself was amongst the protesters who jumped the first line of barricades. Thereafter, an attempt was made to cross the second barricade. When resisted by the police, the revisionist and others lay down on the ground and sat there for some time, chanting slogans. In the video, it is also seen that a police official was constantly announcing to the protesters not to cross the barricades, not to lie or sit on the ground, and to go back to the exempted area, but no heed was paid to his request. Instead, the revisionist continued to make gestures clearly instigating others across the first barricade to cross it and come towards the second barricade. The request of the police was not at all paid attention to. This was done when promulgation U/s 163 of BNSS, was in force, that prohibited the protest besides the exempted area.

10.9. It is not in dispute that such a promulgation was in force. On 22.07.2024, the Additional DCP specifically informed the revisionist that the police had come to know, through a reliable source, that the revisionist and others were attempting to siege the Parliament House. The Addl. DCP also informed of the promulgation U/s 163 BNSS and specifically mentioned that the seizing of Parliament cannot be permitted.

10.10. In this regard, the Ld. Prosecutor also drew attention to a note of a Press Conference of All India Mahila Congress dated 21.07.2024, wherein the gherao of Parliament was intended for 29.07.2024. The act of the revisionist on 29.07.2024, as alleged by the eyewitnesses, has to be seen in the light of the said intention expressed in the press note.

10.11. The revisionist does not dispute that the said promulgation was known to the revisionist and other protesters. Despite being so and despite being repeatedly requested by the police officials, the protesters jumped the barricades and lay or sat on the ground. This was in clear violation of the promulgation, that too despite a clear undertaking given by the organisers of the protest in question, in which, in Para 5, an orderly manner of demonstration was assured, which would not cause impediment to the normal flow of traffic and would follow the traffic and parking rules. In para 8 of the undertaking, assurance was given that the demonstration shall be held at the prescribed place/venue. In para 13, the organisers undertook that the participants of the demonstration shall comply with all lawful directions given to them by the Commissioner of Police or any other police officer on duty at any stage of the demonstration, and in para 14 it is assured that no participant shall act in a manner so as to result in damage to the public property, assault on government servant or obstruction of duty of the government servant or any other transgression of law. Yet no heed was paid to the repeated request of police officials on duty.

10.12. Despite those undertakings, not only did the revisionist jump the first line of barricades, but she also instigated others to do the same, and then also instigated others to cross the second line of barricades. The video also shows that when the police thwarted the revisionist and others' attempt to jump the second barricade, there was an attempt to push the police officials, and then the

revisionist and others went towards the corner side of the second line of barricades, which leads to Tolstoy Road, and from there the revisionist and others crossed the barricades.

10.13. In video no.436, the revisionist is seen climbing onto the top of the barricade and thereafter prompting others by gestures to cross the barricade. Some protesters did cross the barricades of the first line. She, too, while standing on the top of the barricade, is seen prompting others by gestures. In video no.437, despite being orally announced by the police officials to step down from the top of the barricades, else it may result in injuries, and despite being informed that the protest time was over and the crossing of the first line of barricades was illegal, the revisionist continued to stand on the barricades, prompting others. She then suddenly jumped into the area between the first and second lines of barricades and, while doing so, pushed female police officers. Then she went up to the second line of barricades with others, and pushing/shoving by the revisionist and other protesters can be seen in this video. Thereafter, she pulled herself to the area between the two barricades and lay there with others. In video no.441, she can be seen arguing with the ACP, then she suddenly rushes towards the second line of barricades with other protesters, pushing female officers, and then, apparently as a calculated plan, she changes her direction towards the side of the barricade, leaving some of the protesters at the second line of barricades, and then she vanishes along with a few others from the side of the barricades leading towards Tolstoy road. The exempted area was within the first line of barricades, and the revisionist cannot claim any immunity when she not only climbed the first line of barricades, she jumped it, she attempted to breach the second line of barricades with other protesters, and then she managed to slip from the side of the barricades towards the road.

10.14. These events clearly reveal that the demonstration was not confined to the exempted area and, after crossing the first line of barricades, the second line was also breached. Consequently, the exemption of the initial protest site cannot provide immunity to the revisionist for actions taken beyond its demarcated boundaries.

11. Sec. 223(a) of BNS, so far as relevant for us, reads as follows:-

"223. Disobedience to order duly promulgated by public servant—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction,—

(a) shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand and five hundred rupees, or with both ;

b)

11.1. Under this provision, even an act **that tends to cause** obstruction, annoyance or injury, or **that creates a risk of** obstruction, annoyance or injury to any person lawfully employed, is punishable. Actual injury to a person is not necessary for this provision. Disobedience of an order duly promulgated by a public servant, wherein a person is directed to abstain from a certain act or to take a certain order with certain property in his possession or under his management that can risk obstruction, annoyance or injury, shall be enough to attract this provision.

12. **Section 221 of BNS provides punishment for obstructing public servant in discharge of public functions, and it says that** whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be

punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two thousand and five hundred rupees, or with both.

- 12.1. The above-mentioned facts, along with the allegations of the complainant and witnesses, *prima facie* make out a case under U/s 221 as well as Sec. 223(a) of the BNS.
- 12.2. The defence's claim that the physical contact was merely incidental friction inherent in crowd management, caused by police advancing upon a stationary activist within a cordoned-off zone, has to be rejected at this stage, as the accounts of eyewitnesses are completely different, and it becomes a question of trial as to whether the push was incidental friction or more than that.
- 12.3. Reliance placed by the revisionist upon the case of ***Mahendra Kumar Sonkar Vs. State of M.P. 2024 INSC 600*** does not help the revisionist, as it is completely distinguishable on the facts of the case. In that case, the push by the revisionist was found to be merely an attempt to escape apprehension by the Anti-Corruption officials, and the ingredients of assault or criminal force were not found. Whereas in the present case, the eyewitness accounts *prima facie* indicate the use of criminal force and consequent assault on the police officials.
- 12.4. The argument of the revisionist that Sec. 223(a) or Sec. 221 of BNSS are not attracted, is thus without force.
- 13. Regarding **Sec. 132 BNS**, the revisionist argues that "passive resistance" and "standing or walking" do not satisfy the statutory ingredients of "force".
- 13.1. Section 132 criminalizes either assault or criminal force to deter a public servant from the discharge of his duty.
- 13.2. The word "force" is defined in Section 128 of BNS, which states that a person is said to use force against another if he causes motion, change of motion, or cessation of motion to that person, or if he causes any substance to undergo such motion, change, or cessation that brings that substance into contact with

any part of the other person's body, or with anything that the other is wearing or carrying, or with anything situated in such a way that the contact affects the other person's sense of feeling. This applies when the person causing the motion, change, or cessation does so by his own bodily power, by disposing of any substance in such a manner, or by inducing any animal to move or stop.

- 13.3. '*Criminal force*' is defined in 129 of BNS. It provides that anyone who intentionally uses force against another person without that person's consent, with the purpose of committing an offence, or intending to cause, or knowing it is likely to cause, injury, fear, or annoyance to that person, is said to use criminal force on that other individual.
- 13.4. Under S. 132, either assault or use of criminal force with intent as provided in that Section is sufficient
- 13.5. The Ld. ACJM noted that video no. 442 clearly shows the revisionist instigating protesters through hand signs and gestures, eventually leading them to jump the first and second lines of barricades and also the pushing and use of criminal force.
- 13.6. The Prosecution's witnesses, i.e., HC Manish and ASI Ashok, have made clear allegations that the revisionist pushed male and female police officials.
- 13.7. While the absence of MLC or any injury report is noted, the use of criminal force U/s 129 BNS does not strictly require physical injury. Rather, the intentional causing of motion or change of motion to deter a public servant would be enough to attract Sec. 132 of BNS.
- 13.8. The Ld. Trial Court correctly found that a physical push against a police chain constitutes criminal force, as is apparent from the statements of the two witnesses.
- 13.9. Even beyond the video taken at the protest site, the incident of pushing could have occurred, which might not have been fully captured in the videos. Thus,

it would be premature to reject the statements of eyewitnesses at this stage of the matter by solely relying on the videos.

- 14. The revisionist argued that the Trial Court's observation that the revisionist vanished from the spot constitutes a factual alibi.
- 14.1. This Court finds that it is a matter for trial and cannot be prejudged when there are specific allegations by the eyewitnesses against the revisionist. The charges are predicated on her actions prior to her departure, specifically her role as a leader instigating the protesters.
- 15. Merely because the revisionist only has been charge-sheeted and no other protester has been charge-sheeted could not have been a ground for discharging the revisionist by the Ld. Trial Court, and the Ld. Trial Court rightly did not accept this argument.
- 16. Similarly, absence of independent witnesses cannot be ground to discharge an accused as even a police official is a competent witness in the eyes of law whose testimony cannot be doubted merely because he is from police.
- 17. Also, the argument that the site plan on record does not show the placement or existence of the alleged barricades, cannot by itself be enough to doubt the prosecution's case.
- 18. It is also argued that the ingredients of Sec. 285 of the BNS are not made out in the present case.
- 18.1. **Sec. 285 of the BNS** states that whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with a fine which may extend to five thousand rupees.
- 18.2. The allegations presented by the eyewitnesses *prima facie* attract the ingredients of this provision as well.

18.3. The revisionist's argument that there was no property in the revisionist's possession and therefore this Section would not apply has to be rejected, as possession of property is confined to the aspect where a person omits to take order qua the property while causing such danger, obstruction or injury to any person in any public way. The first part of this provision is disjunctive, to the effect that where a person, by doing any act, irrespective of possessing any property, causes such danger, obstruction or injury. Therefore, the absence of property in the revisionist's possession at the time of the incident is immaterial qua the first part of the offence.

18.4. Reliance placed by the revisionist upon the case of *Dr. Thomas Vs. State of Kerala Crl.M.C No. 7690/2017, decided by the Hon'ble High Court of Kerala on 21.05.2024*, does not help the revisionist, as it is completely distinguishable on the facts.

19. In the considered opinion of this Court, the Ld. Trial Court has exercised its judicial mind to sift through the statements of eyewitnesses and the electronic evidence and has concluded that a *prima facie* case exists. The standard for framing charges is not proof beyond reasonable doubt but "sufficient ground for proceeding". The arguments regarding the lack of independent witnesses, the absence of injuries, and the nature of dissent are defences to be established during the trial and cannot be prejudged.

20. **As there is no patent illegality, perversity or jurisdictional error in the impugned order, the present Revision Petition fails and is dismissed.**

*Announced in the Open Court
on the 6th day of February, 2026.*

**(Dig Vinay Singh)
Special Judge (PC Act) (CBI)-09
(MPs/MLAs cases), RACC,
New Delhi / 06.02.2026 (r)**