



THE REDWOOD JOURNAL

Website: www.the-redwood-lawyers.com

VOLUME:-6 ISSUE NO:-6 , OCTOBER 7, 2026

ISSN (ONLINE):- 3139-7360

Email: theredwoodjournal@gmail.com

Digital Number : 2025-23534643

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DISMISSAL OF COMPLAINTS AND REMEDIES AVAILABLE TO COMPLAINANTS UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023: A CRITICAL ANALYSIS

Abstract

The dismissal of a criminal complaint can have a serious impact on a complainant's ability to seek justice. A complaint may be dismissed because the Magistrate finds insufficient grounds to proceed, because the complainant fails to appear, or because of procedural defects and other legal limitations. Although the criminal justice system must protect individuals from baseless prosecution, it must also ensure that genuine complaints are not rejected without proper consideration. The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which came into force on 1 July 2024, provides the procedural framework governing criminal complaints and the remedies available when a complaint is dismissed. Section 226 specifically deals with dismissal of a complaint where the Magistrate finds no sufficient ground for proceeding. Other provisions govern the absence of complainants, the issue of process, and the appellate and revisional jurisdiction of superior courts.

This paper examines the legal grounds for dismissal of criminal complaints, the duty of Magistrates to record reasons, and the remedies available to aggrieved complainants. It also considers the distinction between dismissal before the accused is summoned and dismissal that results in the accused's acquittal. Particular attention is given to the scope of revision,

appeals against acquittal, the possibility of filing a second complaint in exceptional circumstances, and the limitations on a Magistrate's power to recall a final order. The paper analyses relevant Supreme Court decisions, including *Pramatha Nath Taluqdar v. Saroj Ranjan Sarkar* and *Maj. Genl. A.S. Gauraya v. S.N. Thakur*. It concludes that effective remedies require reasoned judicial orders, correct identification of the applicable statutory provision, timely legal action, and a balanced approach that protects both the complainant's right to seek justice and the accused's right to fair process.

Keywords: Bharatiya Nagarik Suraksha Sanhita, 2023; dismissal of complaint; complainant's remedies; criminal revision; appeal against acquittal; second complaint.

Introduction

A criminal complaint is often the first formal step through which an individual seeks the intervention of a criminal court. A person who believes that an offence has been committed may approach the competent Magistrate and place the relevant facts before the court. The complaint may relate to physical injury, criminal intimidation, cheating, defamation, property-related offences, or other alleged violations of criminal law. For many complainants, approaching a court is not merely a procedural exercise; it is an attempt to obtain recognition of the alleged wrong and secure a lawful remedy.

However, filing a complaint does not automatically result in criminal proceedings against the person named as the accused. The Magistrate must independently consider whether the legal requirements for proceeding with the complaint have been satisfied. A complaint that does not disclose a criminal offence, lacks sufficient grounds for proceeding, or fails to meet applicable procedural requirements may be dismissed. Such judicial scrutiny is necessary because criminal proceedings can seriously affect an individual's liberty, reputation, finances, and personal life.

At the same time, the power to dismiss a complaint must be exercised carefully. A genuine complaint may be rejected because relevant material has not been properly appreciated, a procedural requirement has been misunderstood, or the reasons recorded by the court are legally insufficient. In some cases, a complaint may be dismissed because the complainant or the complainant's advocate is absent on a hearing date. The legal consequences of these different forms of dismissal are not identical.

The distinction is particularly important under the Bharatiya Nagarik Suraksha Sanhita, 2023. Section 226 provides for dismissal of a complaint when, after considering the relevant statements and the result of any inquiry or investigation under Section 225, the Magistrate concludes that there is no sufficient ground for proceeding. By contrast, Section 272 deals with the absence of a complainant in specified circumstances before the charge has been framed. Section 279 governs non-appearance or death of a complainant in summons cases and may result in acquittal, subject to the terms of that provision.

These provisions illustrate that the expression “dismissal of complaint” can describe legally different situations. The complainant's remedy depends on the nature of the order, the stage of the proceedings, and the statutory provision invoked by the Magistrate.

The central objective of this paper is to examine these distinctions and identify the remedies available to complainants under Indian criminal procedure. It argues that the right to challenge an adverse order must be understood alongside the principle that criminal courts cannot exercise powers that the statute does not confer upon them.

Research Methodology

This paper adopts a doctrinal method of legal research. It examines the relevant provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, the corresponding principles developed under the Code of Criminal Procedure, 1973, and judicial decisions of the Supreme Court of India. The study is analytical in nature and focuses on the legal consequences of different forms of dismissal and the remedies that may be pursued by complainants.

Primary legal sources include the statutory provisions governing the examination of complaints, dismissal for want of sufficient grounds, absence of complainants, appeals against acquittal, and revisional jurisdiction. Judicial decisions are examined to understand how courts have interpreted these provisions and balanced the interests of complainants and accused persons.

The research does not rely on empirical interviews or field surveys. Its principal limitation is that it concentrates on general criminal procedure rather than providing an exhaustive examination of every special statute. Proceedings under laws such as the Negotiable

Instruments Act, 1881, may involve additional statutory requirements and should be analysed separately where necessary.

Legal Framework Governing Dismissal Of Complaints

The Bharatiya Nagarik Suraksha Sanhita, 2023

The BNSS replaced the Code of Criminal Procedure, 1973, as the principal procedural legislation for criminal cases, subject to the applicable transitional provisions and special laws. It came into force on 1 July 2024. Its provisions regulate the institution of criminal proceedings, the powers of Magistrates, the examination of complainants, inquiries before the issue of process, and the remedies available against certain judicial orders.

A complaint case generally requires the Magistrate to determine whether the allegations and supporting material justify proceeding against the person named as the accused. This stage is not a full criminal trial. The Magistrate is not required to decide the ultimate guilt or innocence of the accused as though the prosecution evidence had been completed. The question is whether there are sufficient grounds to proceed in accordance with law.

The statutory scheme therefore attempts to maintain two principles. First, a person should not be subjected to criminal proceedings without a legally sufficient basis. Secondly, a complaint should not be rejected merely because the court has prematurely evaluated disputed facts that ought to be considered at a later stage.

3.2 Examination of the complainant under Section 223

Section 223 of the BNSS provides examination of the complainant by Magistrate. It forms part of the procedure followed by a Magistrate when dealing with a complaint. The provision must be read with the other applicable requirements of the Sanhita, including the statutory safeguards concerning the hearing of the accused before cognizance in circumstances specified by the provision.

The examination of the complainant assists the Magistrate in understanding the allegations and determining whether the complaint discloses sufficient grounds for further proceedings. The complainant should present the material facts clearly, identify the alleged offence, and explain the connection between the alleged conduct and the person complained against.

A failure to explain a material allegation may weaken the complaint. Nevertheless, the court must apply the correct legal standard and cannot substitute a final determination of guilt for the limited inquiry required at the pre-process stage.

3.3 Inquiry or investigation under Section 225

Section 225 permits the Magistrate, in appropriate circumstances, to postpone the issue of process and conduct an inquiry or direct an investigation for deciding whether sufficient grounds exist to proceed. The purpose is to assist the court in assessing the complaint before compelling the proposed accused to appear.

The inquiry may be particularly significant where the allegations require clarification or where the court considers that further material is necessary. The complainant should cooperate with a lawful inquiry and provide the information or evidence required by the court. Equally, the Magistrate must consider the result of the inquiry or investigation fairly rather than treating the mere absence of additional material as automatically fatal to every complaint.

3.4 Dismissal under Section 226

Section 226 is the central provision governing dismissal of a complaint for want of sufficient grounds. It states, in substance, that where the Magistrate considers the statements on oath, if any, of the complainant and witnesses, together with the result of an inquiry or investigation under Section 225, and concludes that there is no sufficient ground for proceeding, the Magistrate shall dismiss the complaint and briefly record reasons for doing so. A dismissal under Section 226 does not mean that the accused has been acquitted after a criminal trial. The order is made at a preliminary stage, before the complaint proceeds to the ordinary trial process. Consequently, the remedies available against such an order differ from those available where the accused has been acquitted following dismissal for non-appearance.

The Magistrate's power under Section 226 is judicial, not arbitrary. The decision must be based on the material considered under the statutory framework and the correct legal test of sufficient grounds for proceeding.

3.5 Dismissal for absence of the complainant

A separate issue arises when the complainant fails to attend court. The BNSS distinguishes between the absence of a complainant in specified warrant-case circumstances and non-appearance in summons cases. Section 272 concerns the absence of a complainant where the proceedings were instituted upon complaint and the offence is lawfully compoundable or is non-cognizable, subject to the statutory conditions. It provides for a period of thirty days to be given to the complainant to be present before the Magistrate may exercise the specified power to discharge the accused before the charge is framed.

Section 279 addresses non-appearance or death of the complainant in summons cases. Where its conditions are met, the court may acquit the accused, unless the hearing is properly adjourned or the complainant's personal attendance may be dispensed with under the provision.

These provisions must not be treated as interchangeable. A dismissal under Section 226 is based on the absence of sufficient grounds to proceed. An order under Section 272 or Section 279 arises from a different procedural situation and carries its own statutory consequences. Before advising a complainant on remedies, the precise provision and operative part of the order must therefore be examined.

4. Principles Governing A Valid Order Of Dismissal

4.1 Application of judicial mind

A Magistrate is expected to consider the complaint and the material legally available at the relevant stage. The court must identify the substance of the allegations and determine whether the legal ingredients of an alleged offence are disclosed sufficiently to justify further proceedings.

A complaint should not be dismissed solely because the Magistrate disagrees with the complainant's version on a disputed factual issue that requires evidence. Conversely, the mere use of criminal-law terminology by a complainant cannot convert a purely civil disagreement into a criminal offence. The court must examine the substance of the allegations and apply the governing law.

4.2 Requirement to record reasons

Section 226 expressly requires the Magistrate to record brief reasons for dismissal. Although the reasons need not resemble a lengthy judgment delivered after trial, they must disclose the basis of the decision. A statement that the complaint is dismissed without explaining the absence of sufficient grounds may raise a legitimate question regarding compliance with the provision. The requirement serves both the complainant and the accused. It helps the complainant identify the legal defect, while protecting the accused against arbitrary or repeated proceedings.

4.3 Protection against frivolous proceedings

The law must also protect individuals from complaints filed with improper motives or without a legally sufficient foundation. Criminal proceedings may impose financial burdens, require repeated court appearances, and damage reputation. Preliminary scrutiny is therefore a necessary safeguard.

The complainant's right to seek legal redress does not include an unrestricted right to compel another person to face trial. A reasoned dismissal, where justified by law, is an important part of a fair criminal justice system.

Remedies Available To A Complainant After Dismissal

The principal remedies include revision, an appeal where statutorily available, a second complaint in exceptional circumstances, and recourse to the High Court's jurisdiction where the legal requirements are satisfied. These remedies are not interchangeable, and no single remedy is appropriate for every dismissal order.

5.1 Criminal revision

Revision is an important remedy where a criminal court has allegedly committed a legal error, acted beyond its jurisdiction, failed to comply with a mandatory requirement, or passed an order that warrants supervisory correction.

The BNSS contains provisions governing revisional powers, including Sections 438 and 442. The precise forum and maintainability of a revision depend on the nature of the impugned order, the court that passed it, and the statutory restrictions applicable to the proposed proceeding. A complainant challenging dismissal under Section 226 may consider whether

the order is legally defective because the Magistrate failed to apply the correct standard, overlooked a material legal requirement, misunderstood the nature of the complaint, or failed to provide the reasons required by law. A revision petition should identify the specific error rather than merely repeat the original allegations.

The revisional court does not ordinarily conduct a fresh trial or substitute its view simply because another interpretation is possible. The complainant must demonstrate a legally sustainable ground for interference.

Before filing, counsel should verify the current statutory provisions concerning the competent revisional court, the restriction on successive revision applications, the effect of any previous appeal, and the limitation or delay-related requirements applicable to the proceeding.

Appeal against acquittal

Where dismissal of a complaint results in an acquittal, the complainant may have a different remedy. Section 419 of the BNSS governs appeals in cases of acquittal. In the circumstances covered by Section 419(4), a complainant may seek special leave from the High Court to appeal against an order of acquittal passed in a case instituted upon complaint. This remedy must be distinguished from a revision against an order dismissing a complaint before process is issued. The legal character of the order determines the appropriate route.

A complainant seeking special leave should examine the grounds on which the acquittal was entered, the evidence or procedural circumstances relevant to the order, and whether there is an arguable basis for appellate interference. The mere fact that the complainant is dissatisfied with the result does not automatically establish grounds for reversing an acquittal. The application should comply with the applicable statutory requirements and procedural rules of the High Court. Counsel should also verify the applicable limitation period and the procedure for seeking leave before proceeding with the appeal.

Second complaint

A second complaint on the same allegations may be permissible in exceptional circumstances, but it is not an unrestricted alternative to challenging an earlier dismissal. The governing principles were explained by the Supreme Court in *Pramatha Nath Taluqdar v. Saroj Ranjan*

*Sarkar*¹, The Court ensure that the law does not impose an absolute prohibition on every second complaint following an earlier dismissal. However, exceptional circumstances must justify entertaining the later complaint. These may include a manifest error in the earlier proceedings, a miscarriage of justice, or genuinely new facts or evidence that could not reasonably have been presented earlier.

The rule prevents repeated complaints from becoming a means of harassing an accused person or obtaining a different result merely by approaching the court again. At the same time, it recognises that an earlier dismissal may, in exceptional circumstances, have occurred under circumstances that justify further judicial consideration. A complainant contemplating a second complaint should therefore explain clearly why the earlier order falls within an accepted exception. If the earlier dismissal followed a full consideration of the same material and no exceptional circumstance exists, filing another complaint may be legally unsustainable.

Inherent and constitutional jurisdiction

The High Court has powers under Section 528 of the BNSS to make orders necessary to give effect to orders under the Sanhita, prevent abuse of the process of a court, or otherwise secure the ends of justice. The High Court's constitutional jurisdiction may also be relevant in an appropriate case.

These powers are not a routine substitute for statutory appeals or revisions. A complainant must establish circumstances that justify the High Court's intervention under the applicable jurisdiction. The availability of an ordinary remedy, the nature of the impugned order, and the specific legal defect must all be considered.

It is equally important to recognise that a Magistrate cannot assume an inherent power to recall a final order merely because the complainant requests restoration. The distinction between the High Court's statutory inherent jurisdiction and the powers of subordinate criminal courts is well established in Supreme Court authority.

Judicial Approach To Dismissed Complaints

Pramatha Nath Taluqdar v. Saroj Ranjan Sarkar

¹ *Pramatha Nath Taluqdar v. Saroj Ranjan Sarkar*, AIR 1962 SC 876; 1962 Supp (2) SCR 297

Citation: AIR 1962 SC 876; 1962 Supp (2) SCR 297.

This decision is a leading authority on the circumstances in which a second complaint may be entertained after an earlier complaint has been dismissed. The Supreme Court held that a second complaint on the same allegations is not absolutely prohibited, but the power must be exercised cautiously. The judgment does not give complainants a general right to restart criminal proceedings whenever an earlier complaint fails. Instead, it requires a legally sufficient explanation for permitting the later complaint. The interests of justice must be considered together with the need for finality and protection against repetitive proceedings.

Although the case was decided under the former Code of Criminal Procedure, its principles remain relevant when applying the corresponding framework of the BNSS, subject to the text of the current law and any subsequent authoritative interpretation.

6.2 Maj. Genl. A.S. Gauraya v. S.N. Thakur

Citation: (1986) 2 SCC 709; AIR 1986 SC 1440.

This Supreme Court decision addresses the power of a Magistrate to restore a complaint after it has been dismissed for non-appearance. The Court held that a subordinate criminal court cannot recall a final order of dismissal in the absence of statutory authority conferring that power. The judgment is important because it distinguishes filing a second complaint in legally recognised exceptional circumstances from restoring the original complaint by recalling a final order. For complainants, the practical lesson is clear. Where a complaint has been dismissed for default and the order has become final, an application asking the same Magistrate simply to restore the matter may not be maintainable. Counsel must examine whether the appropriate remedy lies before a superior court or whether a second complaint is legally permissible under the exceptional circumstances recognised by law.

The decision also emphasises that criminal courts are creatures of statute. They must exercise the powers conferred upon them by law rather than relying on a general notion of fairness to assume jurisdiction that does not exist.

6.3 Bindeshwari Prasad Singh v. Kali Singh

Citation: (1977) 1 SCC 57; AIR 1977 SC 2432.

The Supreme Court's reasoning in *Bindeshwari Prasad Singh* is significant for the limits it places on the power of a Magistrate to review or recall a final judicial order. The decision reinforces the principle that a criminal court cannot exercise inherent jurisdiction unless the law confers such authority. The case is relevant when a complainant seeks restoration after dismissal. A court may correct procedural matters within its lawful authority, but it cannot ordinarily reopen a final order merely because a party later provides an explanation for a previous failure to appear.

A complainant should therefore distinguish between correcting a genuine clerical or procedural error within the court's jurisdiction and asking the court to reverse a final judicial decision. The latter requires an appropriate legal remedy.

6.4 *A.S. Gauraya* and the need to select the correct remedy

Read together, *Pramatha Nath Taluqdar* and *A.S. Gauraya* demonstrate that a second complaint and restoration of a dismissed complaint are not the same. The first may be considered in exceptional circumstances, while the second cannot be ordered merely on the basis of a general power to recall.

This distinction has practical importance. An application filed before the wrong forum or under an unavailable provision may consume time and expose the complainant to limitation difficulties. Proper legal advice should begin with examination of the dismissal order itself.

6.5 *Associated Cement Co. Ltd. v. Keshvanand*

Citation: (1998) 1 SCC 687.

The Supreme Court considered the purpose of provisions concerning the absence of a complainant and emphasised that the power to acquit for non-appearance must be understood in the context of the applicable procedural law. The judgment is relevant to the general principle that a court should not treat the complainant's personal presence as invariably indispensable when the law permits representation or dispensation of attendance.

The decision must be applied with care because it interpreted the earlier Code of Criminal Procedure. Its relevance under the BNSS lies in the corresponding statutory principles, which must be read according to the language of the current provisions.

For complainants, the case underlines the importance of ensuring that representation, exemption, and requests for adjournment are properly recorded. A party should not assume that the presence of an advocate automatically cures every procedural default; nor should the court assume that the absence of the complainant always requires termination of the proceedings without considering the statutory provisos.

Dismissal For Non-Appearance: Practical And Legal Consequences

Dismissal for non-appearance presents particular difficulties because it may occur even where the original complaint contains substantial allegations. The complainant may be absent due to illness, travel difficulties, lack of communication, an incorrect understanding of the hearing date, or an advocate's failure to attend.

However, the legal consequences depend on the applicable provision and the circumstances of the case. The court must determine whether the statute authorises discharge or acquittal, whether the required conditions have been satisfied, and whether adjournment or dispensation of personal attendance is legally available.

The complainant should maintain copies of hearing notices, medical records where relevant, communications with counsel, and any application filed seeking exemption or adjournment. These documents may become important if the legality of the dismissal is later challenged.

Where a complaint has been dismissed under Section 279 and the accused has been acquitted, the complainant must not assume that a restoration petition before the same Magistrate is sufficient. The remedy should be identified by reference to the statutory appeal provisions and the nature of the order. If a complaint filed under the special statutes a separate consideration arises. In a prosecution under Section 138 of the Negotiable Instruments Act, 1881, for example, the court must consider the special statutory framework together with the applicable criminal procedure. The remedy for an order resulting in acquittal must be assessed on the actual order and the governing law rather than on the assumption that all complaint dismissals follow the same route.

Limitations And Difficulties Faced By Complainants

Confusion regarding the appropriate remedy

One of the principal difficulties is confusion between revision, appeal against acquittal, and a second complaint. Although each may be relevant in a particular situation, they have different legal foundations and consequences.

A complainant whose case was dismissed before the accused was summoned may not have the same remedy as a complainant whose case ended in acquittal after process was issued. If the order is incorrectly classified, the challenge may fail without a decision on the merits.

The first step should therefore be to obtain the complete certified order and identify the statutory provision under which it was passed.

Delay and limitation

Delay can complicate a challenge to dismissal. Time may be spent pursuing an application for restoration that the Magistrate lacks power to entertain, or seeking clarification from the trial court when a statutory appeal is required. A complainant should obtain legal advice promptly and verify the applicable limitation period, the forum, and the documents required. If delay has already occurred, the availability and requirements of an application for condonation must be examined under the law applicable to the particular proceeding.

Inadequate legal representation

A complaint may be weakened by unclear drafting, failure to identify the ingredients of an offence, omission of relevant supporting documents, or inadequate presentation during preliminary examination. These difficulties are not always capable of being corrected after dismissal.

Before filing, counsel should ensure that the complaint states the essential facts, identifies the alleged offence, and includes available supporting material. At the hearing stage, counsel should be prepared to explain why the allegations justify proceeding under the applicable statutory test.

Balancing finality and access to justice

The law must protect complainants from erroneous dismissal while preventing repeated prosecution on substantially identical allegations. Excessively restrictive remedies may leave

genuine grievances without an effective response. Conversely, unrestricted restoration or repeated complaints may undermine finality and expose accused persons to continuing harassment.

The appropriate balance is achieved through reasoned orders, statutory appeals and revisions, and carefully controlled exceptions for second complaints. Judicial scrutiny should be meaningful but should not become a mechanism for endless litigation.

Critical Analysis

The BNSS provides a structured framework for deciding whether a complaint should proceed. Section 226 requires the Magistrate to record reasons when dismissing a complaint for want of sufficient grounds. The provisions dealing with non-appearance address a different concern: whether proceedings should continue when the complainant fails to attend court. The appellate and revisional framework then provides mechanisms for reviewing certain adverse orders.

The existence of these remedies, however, does not by itself guarantee effective access to justice. Their practical value depends on whether complainants understand the legal character of the order and act within the applicable procedural requirements. A remedy that is misunderstood or invoked before an incompetent forum may offer little practical protection.

The distinction between dismissal before process and acquittal following non-appearance deserves particular attention. In the first situation, the court concludes that sufficient grounds to proceed are absent. In the second, the outcome may arise from a procedural default and may terminate the case through an acquittal. The remedies available in these situations must be identified separately.

The Supreme Court's approach reflects a consistent concern for statutory discipline. *Pramatha Nath Taluqdar* recognises that exceptional circumstances may justify a second complaint. *A.S. Gauraya* makes clear that a Magistrate cannot simply restore a final dismissal by invoking an inherent power that the law does not confer. These principles preserve both access to justice and the finality of criminal proceedings.

A further issue is the quality of the dismissal order. Brief reasons are sufficient only when they disclose the basis of the conclusion. The requirement under Section 226 should not be

reduced to a formality. A reasoned order enables the complainant to assess the next legal step, helps the superior court conduct effective review, and demonstrates that the complaint has been considered according to law.

Recommendations

First, Magistrates should ensure that orders dismissing complaints under Section 226 contain brief but intelligible reasons identifying the principal legal or factual basis for concluding that sufficient grounds to proceed are absent. This would improve transparency and facilitate appropriate review.

Secondly, court orders should clearly identify the statutory provision under which the complaint is dismissed, discharged, or the accused is acquitted. Precision in the operative portion would reduce uncertainty about the remedy available to the complainant.

Thirdly, complainants should receive clear procedural information regarding the next hearing date, the requirement of personal attendance, and the availability of exemption or representation where permitted by law. Lawyers should ensure that requests for exemption and adjournment are formally filed and recorded.

Fourthly, legal practitioners should conduct a preliminary review of the dismissal order before advising a client to file an appeal, revision, or second complaint. Such review should consider the stage of proceedings.

Fifthly, legal aid institutions and bar associations should improve awareness of remedies available to complainants. Practical guidance on obtaining certified copies, identifying the correct forum, preparing grounds of challenge, and complying with procedural requirements could reduce avoidable errors.

Finally, superior courts should continue to apply the principles governing second complaints and recall of final orders consistently. The exceptional nature of a second complaint must be respected, but the doctrine should remain available where the legally recognised circumstances justify it.

Conclusion

The dismissal of a criminal complaint is a significant procedural event because it may prevent the complainant from obtaining a judicial determination of the alleged offence. Yet dismissal is not necessarily unlawful. Criminal courts must reject complaints that do not satisfy the statutory requirements, and the criminal justice system must protect individuals against baseless prosecution. The BNSS, 2023, distinguishes between dismissal for want of sufficient grounds under Section 226 and dismissal-related consequences arising from the complainant's absence under Sections 272 and 279. These provisions operate in different circumstances and should not be treated as interchangeable. The correct remedy depends on the statutory basis of the order, the stage of the case, and whether the accused has been discharged or acquitted.

Revision may be relevant where an order suffers from a reviewable legal or jurisdictional defect. An appeal against acquittal may be available where the statutory requirements, including the applicable special-leave procedure, are satisfied. A second complaint may be entertained only in exceptional circumstances recognised by law. The principles in *Pramatha Nath Taluqdar v. Saroj Ranjan Sarkar* and *Maj. Genl. A.S. Gauraya v. S.N. Thakur* demonstrate both the availability of limited remedies and the importance of respecting the finality of judicial orders.

Ultimately, effective justice requires more than the formal existence of an appeal or revision provision. It requires reasoned orders, accurate identification of the applicable remedy, prompt legal advice, and fair consideration of the material before the court. When these requirements are observed, the law can protect genuine complainants without compromising the rights of accused persons or the orderly administration of criminal justice.

References

A. Statutes

1. The Bharatiya Nagarik Suraksha Sanhita, 2023, particularly Sections 223, 225, 226, 272, 279, 419, 438, 442 and 528, as applicable.
2. The Code of Criminal Procedure, 1973, relevant corresponding provisions and principles developed under the former procedural framework.
3. The Negotiable Instruments Act, 1881, where applicable to complaint proceedings under special legislation.

B. Judicial Decisions

1. *Pramatha Nath Taluqdar v. Saroj Ranjan Sarkar*, AIR 1962 SC 876; 1962 Supp (2) SCR 297.
2. *Bindeshwari Prasad Singh v. Kali Singh*, (1977) 1 SCC 57; AIR 1977 SC 2432.
3. *Maj. Genl. A.S. Gauraya v. S.N. Thakur*, (1986) 2 SCC 709; AIR 1986 SC 1440.
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C. Official and Research Sources

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3. Supreme Court of India judgments and reported decisions concerning dismissal of criminal complaints, non-appearance of complainants, revisional jurisdiction, and second complaints.