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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2212/2026**

SURENDER KUMAR GUPTA

.....Petitioner

Through: Mr. Aashish Chojar and Ms. Alka
Chojar, Advocates

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Varun
Dr. S.S. Hooda, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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25.03.2026

CRL.M.A. 9064/2026 (exemption)

1. Allowed, subject to all just exceptions.

**CRL.M.C. 2212/2026, CRL.M.A. 9065/2026 (for additional documents)
& CRL.M.A. 9066/2026 (stay)**

2. The petitioner facing trial has filed this petition to assail order whereby charge was framed against him in FIR No. 357/2020 of Police Station Hauz Khas for offences under Section 420/452/453/511 read with 120B IPC. The said order of the trial court was first challenged before the Court of Sessions but the revision petition was dismissed. Both those orders have been challenged.

3. Learned APP for the State and learned counsel for complainant *de facto* (respondent no. 2) accept notice.

4. The digitized record of the trial court be requisitioned.



5. Relist on 23.07.2026 in Advance List.
6. Learned counsel for petitioner seeks stay of trial court proceedings but keeping in mind the legal position that what is explicitly prohibited by Section 438 (3) BNSS cannot be granted back door entry through inherent powers unless it is a case of grave injustice, coupled with the fact that the petitioner has opted to keep sleeping over the issue for more than one year after the order passed by the revisional court, I am not inclined to stay proceedings before the trial court. Further, learned counsel for respondent no. 2 also points out that two witnesses of prosecution have already been examined, though in this aspect learned counsel for petitioner submits that testimony of those witnesses is yet to complete.

GIRISH KATHPALIA, J

MARCH 25, 2026

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