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

+ **CRL.M.C. 6054/2019**

PAWAN KAUSHIK

.....Petitioner

Through: Counsel for petitioner (*appearance not given*).

versus

STATE

.....Respondent

Through: Mr. Hemant Mehla, APP for State with SI Himanshu and SI Gajender, PS Alipur.
Mr. Tushar Sannu and Mr. Ritik Anmol, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **30.07.2026**

CRL.M.C. 6054/2019 & CRL. M.A. 41269/2019 (stay)

1. Learned counsel for petitioner seeks an adjournment to examine the issue of maintainability pointed out to him. Broadly speaking, the present petition seeking to invoke inherent powers is in the nature of second revision, which is barred by Section 397(3) CrPC. It is trite that what is explicitly prohibited by law cannot be allowed backdoor entry unless it is a case of gross injustice, which is not in the present case in view of paragraph 9 of the impugned order.
2. Learned counsel for petitioner requests for continuing the interim stay on proceedings of the trial court till the next date. But there is no order specifically directing any interim stay. It appears that on 16.12.2019, the predecessor bench adjourned the matter because learned APP required time



to respond and it is in that situation that the predecessor bench directed that: *“In the meantime, trial court shall fix the date after the date fixed by this Court”*. That order continued on date to date basis. Thereafter, across different benches and many a time, the matter even did not reach hearing.

3. As explained by learned prosecutor, apparently the present petitioner was engaged in an unauthorized construction and did not stop despite action taken by the MCD, after which the roof fell causing death of two labourers and injuries to ten persons. It is under these circumstances that MCD filed a complaint under Section 195 CrPC. The order taking cognizance was assailed by the present petitioner and that order was upheld by the revisional court by way of the presently impugned order. Paragraph 9 of the impugned order describes the plea taken by the present petitioner, which plea was rejected on the basis of a judicial precedent flowing from a coordinate bench of this Court.

4. Under these circumstances, as is obvious, it is made clear that there is no stay on proceedings of the trial court.

5. Learned counsel for petitioner seeks a passover to address on the aspect of interim stay and maintainability of the petition. But it being end of the day, it is not possible to passover the matter.

6. For final arguments, list on 07.01.2027 in Advance List as it is end of the day.

7. A copy of this order be sent to the trial court.

GIRISH KATHPALIA, J

JULY 30, 2026/dr