



2026:DHC:1743



time as this Hon'ble Court may deem fit and proper, in the interest of justice; **OR IN THE ALTERNATIVE;**

ii) In the event of non-granting of opportunity to summon and examine material defence witnesses, the judicial orders passed dated 02.11.2022, in CrI. Rev. No. 345/2018, order dated 08.02.2019 in W.P.(C) 1354/2019, order dated 20.07.2023 in W.P.(C) No. 9572/2023, order dated 10.10.2023 in LPA No. 667/2023, may be declared as void whereby the order on charge dated 05.07.2017 was upheld subject to the petitioner being afforded full opportunity to lead defence evidence; **OR IN THE ALTERNATIVE;**

iii) Hold and declare that the statement recorded under Section 313 Cr.P.C. (corresponding provision under BNSS), being forged and fabricated against the petitioner, be read only to the extent the defence witnesses have been permitted to the petitioner; **OR IN THE ALTERNATIVE;**

iv) Hold and declare that denial of permission to summon and examine material defence witnesses, contrary to the binding law declared by the Hon'ble Supreme Court under Article 141 of the Constitution of India, constitutes judicial action contrary to law and gives rise to consequences recognizable in law, including those contemplated under Section 198 of BNS, and Section 16 of the Contempt of Courts Act, 1971;

v) Pass such other and further orders as are deemed fit and proper in the facts and circumstances of the case and to meet the ends of Justice."

2. In view of peculiar nature of the prayer clauses, the learned counsel for petitioner was repeatedly asked to explain but he did not do so. In reference to prayer clause (i), learned counsel was asked as to whether the petitioner had filed any application before the trial court, seeking permission to examine the four material defence witnesses, to which he replied in affirmative but could not show any such application or order passed on the same. In reference to prayer clause (ii), learned counsel for petitioner was

W.P.(CRL) 688/2026

Page 2 of 4 pages

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 26.02.2026
17:22:38

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HON'BLE COURT OF DELHI,
c=IN, email=gkathpalia@delhihi.org, serial=1743, version=3,
reason=COURT OF DELHI, 2026.02.26 17:24:16 +05'30'



asked as to how this Single Bench can set aside an order passed by a Division Bench in LPA, but there is no response. In reference to prayer clause (iii), learned counsel was asked to elaborate as to how a statement recorded under Section 313 CrPC by the trial court can be treated as forged and fabricated, but on this also there is no elaboration. In reference to prayer clause (iv), learned counsel was requested to explain as to how a judicial action can be treated as contempt or offence under Section 198 BNS, but on this also there is no response.

3. Learned ASC appearing on advance intimation strongly opposes the petition, disclosing that even in the order dated 10.10.2023 passed in LPA 667/2023, a Division Bench of this Court severely castigated acts of the petitioner as frivolous and gross abuse of process. Learned ASC discloses that the trial against the petitioner for impersonating as MCD employee is at the stage of final arguments and all his efforts are to somehow protract the trial. In this regard, learned ASC has also shown me order dated 23.02.2026 of the trial court whereby an application of the petitioner was dismissed after elaborate discussion and cost of Rs. 50,000/- to be deposited by the petitioner with DLSA, Central District, Rouse Avenue Courts, Delhi was imposed on the petitioner. It is stated by learned ASC and admitted by learned counsel for petitioner that even that cost has not been deposited till date. It is contended by learned ASC that if notice of this petition is issued, the petitioner would misuse that order to get the matter before the trial court adjourned.



2026:DHC:1743



4. In view of above discussion, the present petition is held to be not just devoid of merit, but completely frivolous and filed with oblique purposes of protracting the trial. Therefore, this writ petition and the accompanying applications are dismissed with cost of Rs. 1,00,000/- to be deposited by the petitioner with DLSA, Central District, Rouse Avenue Courts, Delhi within one week.

5. A copy of this order be sent to Secretary, DLSA, Central District, Rouse Avenue Courts, Delhi with the direction to ensure recovery of costs dated 23.02.2026 imposed by the trial court as well as the costs imposed by this Court in this order by following the process laid down by law.

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=9401dd889b27a77b2b5ff4ef
ec45569af3962c0fb4835d43597626acc
a, ou=HIGH COURT OF DELHI, CN=
7047638, postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d
15570998b40f60cb2ee60402c487965f
f801e26fa, cn=GIRISH KATHPALIA
Date: 2026.02.26 17:23:47 -08'00'

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 26, 2026/dr