



2026:DHC:1005



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 06.02.2026

+ **CRL.M.C. 1036/2026 & CRL.M.A. 4099/2026**

ANUP GUPTA

.....Petitioner

Through: Mr. Sachin Dev and Ms. Shagun Sharma, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with Inspector Brahma Dutt Vishnoi.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. Petitioner seeks to challenge order dated 09.10.2025 passed by the trial court on his application under Section 348 BNSS (*Section 311 CrPC*). The grievance of the petitioner is that the learned trial court has kept the application in abeyance, to be decided after examination of prosecution witnesses.

2. Being purely a procedural order, especially keeping in mind that even according to the present petitioner, the witness sought to be summoned would be Court Witness, it is the prerogative of the trial court to decide such application at appropriate stage after satisfying itself regarding necessity of



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summoning such witness.

3. Despite repeated queries learned counsel for petitioner is unable to show any law under which such procedural order can be interfered with by the High Court exercising inherent powers.

4. The petition is completely frivolous, so dismissed with cost of Rs.10,000/- to be deposited by the petitioner within one week online with www.bharatkeveer.gov.in. Accompanying application stands disposed of.

5. Copy of this order be sent to the trial court forthwith.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 06, 2026/ry