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

CNR No. DLHC010355312022

+ **CRL.REV.P. 613/2022**

P BALASUBRAMANIYAN

.....Petitioner

Through: Petitioner in person.

versus

SHRI VINAY KUMAR GUPTA

.....Respondent

Through: Mr. Preet Pal Singh, Ms. Simran Kumari, Ms. Pooja and Mr. Virat Raj Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **14.09.2026**

The matter was listed for 11.09.2026 and is taken up today as 11.09.2026 was declared as a holiday on account of BRICS Summit, 2026.

1. The present petition has been filed under Sections 397 read with 401 of the Code of Criminal Procedure, 1973, seeking to set aside the order dated 18.07.2022 passed by the Principal District and Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue District Courts, New Delhi in Misc. DJ ASJ No. 105/2022 (CNR No. DLCT-11-000393-2022), whereby the complaint filed by the petitioner came to be rejected, and seeking various consequential reliefs, including the imposition of punishment upon the respondent and the award of compensation to the petitioner. For the sake of clarity, the relief clause is extracted as under:

“i) To take cognizance of the petition U/s 397 r/w 401 of Cr.P.C. 1973 of



India and to call for the entire papers pertaining to and including the original impugned order dated 18.07.2022 passed by the Respondent herein in Misc. DJ ASJ No. 105/2022 from the Principal District and Sessions Judge Court, Rouse Avenue District Court Complex, New Delhi-110002

ii) To pass order to set aside the impugned order dated 18.07.2022 passed by the Respondents herein in CNR No. DLCT-11-000393-2022 Misc DJ ASJ No. 105/2022 absolutely as it is contrary to the facts and law, tainted with malafideness and abuse of power and consequently to impose maximum punishment to the Respondent herein for his committed offences in passing the impugned order dated 18.07.2022 U/Article 20(1) of the Constitution of India 1950 r/w Sec 3(1)(za)(E) and 4(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 of India and U/s. 166, 217, 218, 219 & 417 of IPC 1860.

iii) To pass order awarding adequate compensation from the respondent herein to the Revision Petitioner herein under the provision of law U/s. 357 of Cr.P.C. 1973 of India and as per the legal Maxim, 'Ubi jus ibi remedium'.

iv) To pass order to number the petition and to adjudicate the cause in CNR No. DLCT-11-000393-2022 Misc DJ ASJ No. 105/2022 of the Court of PDSJ, Rouse Avenue District Court Complex, New Delhi 110002 by an independent, impartial and competent Judge in accordance with law judicially, judiciously and expeditiously.

v) To pass any such further or other order(s), direction(s), relief and remedy which deem fit and proper in the facts and circumstances of the case and in the interest of fair administration of law and justice, Principles of Natural Justice and thus render Justice."

2. The petitioner, appearing in person, submits that the impugned order is contrary to the facts and the law, and is vitiated by *malafides* and an abuse of power. He contends that the disciplinary action taken against him is relatable to his being a member of a Scheduled Caste, and that the respondent, in passing the impugned order, has committed offences punishable under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and under Sections 166, 217, 218, 219 and 417 of the Indian Penal Code, 1860. He, accordingly, prays that the



impugned order be set aside, that appropriate punishment be imposed upon the respondent, and that the matter be adjudicated afresh, in accordance with law, by an independent and impartial Court.

3. The petition is opposed by counsel appearing for the respondent, who submits that it is misconceived and not maintainable. It is submitted that the remedy against an order passed by the Bar Council of India in appeal lies by way of an appeal to the Supreme Court under Section 38 of the Advocates Act, 1961; that the disciplinary punishment imposed upon the petitioner is referable to his professional misconduct and has no connection with his caste; that no offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out; and that the present petition is an abuse of the process of the Court.

4. I have heard the petitioner, appearing in person, as well as counsel appearing for the respondent, and have perused the record.

5. The facts of the case indicate that, on 06.07.2018, the High Court of Judicature at Madras directed the Registrar General of that Court to lodge a complaint against the petitioner with the Bar Council of Tamil Nadu and Puducherry for appropriate action. The Disciplinary Committee of the State Bar Council, after hearing the petitioner, *vide* order dated 14.05.2019, held the petitioner guilty of professional misconduct and awarded the punishment of suspension from practice for a period of three years. The petitioner was also visited with another punishment of removal from the roll of the Bar Council of Tamil Nadu and Puducherry, in Case No. 27/2017, *vide* order dated 14.05.2019, which pertained to another complaint. Both the punishments were directed to run concurrently.

6. Against the order of the Disciplinary Committee of the State Bar



Council, the petitioner filed an appeal before the Bar Council of India [‘BCI’] under Section 37 of the Advocates Act, 1961.

7. The BCI, *vide* order dated 30.01.2022, affirmed the order dated 14.05.2019 of the Disciplinary Committee of the State Bar Council, and modified the order in DC No. 27/2017 on the question of punishment, from permanent removal from the State rolls to suspension from practice for five years.

8. It appears that, against the order dated 30.01.2022, the petitioner approached the Court of the Principal District and Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue District Courts, New Delhi. That Court, *vide* the impugned order, rejected the petitioner’s complaint.

Paras 11 to 15 of the impugned order are extracted as under:

“11. From the order dated 14.05.2019 of the State Bar Council and dated 30.01.2022 of the Bar Council of India, it is clear that punishment has been imposed upon the petitioner for his professional misconduct which has nothing to do with his being a member of Scheduled Caste and that being so, the present petition is devoid of any merit requiring consideration.

12. Moreover, if what the petitioner contends is accepted, no member of the Scheduled Caste can ever be punished under the Advocates Act for his professional misconduct and he can do whatever he feels like doing with immunity which is not permissible at all.

13. Still further, as stated above, the present petition has been filed against the order dated 30.01.2022 of the Bar Council of India passed in appeal under Section 37 of the Advocates Act against the order dated 14.05.2019 of the State Bar Council. Against an order passed in appeal u/s 37 of the Act, Section 38 provides for appeal to the Supreme Court where a person feels aggrieved by the order made by the Disciplinary Committee or Bar Council of India under section 36 or 37 and, instead of availing the remedy available under section 38 of the Advocates Act, the petitioner herein has preferred to file the present petition before this court.

14. I fail to understand as to how the present petition u/s 14 of the Act is maintainable and how criminality as stated u/s 3(1)(za)(E) of the Act is attracted in the order dated 30.01.2022. The present petition is totally misguided, misplaced and is a gross misuse of the process of law/court.



15. *In view of the aforesaid discussion, the present petition is without any cause of action in favour of the petitioner and is not maintainable. The same is liable to be dismissed.”*

9. The view taken by the Court below does not suffer from any infirmity. An order passed by the disciplinary committee of the BCI, in appeal under Section 37 of the Advocates Act, 1961, is amenable to challenge only by way of an appeal to the Supreme Court under Section 38 of the said Act, as is settled by the Supreme Court in ***Supreme Court Bar Association v. Union of India***¹ and ***O.N. Mohindroo v. Bar Council of Delhi***.² The petitioner, instead of availing of that remedy, has sought to assail the disciplinary orders collaterally, and through a petition seeking criminal action. In any event, the revisional jurisdiction of this Court under Sections 397 and 401 of the CrPC is supervisory in nature, and is to be exercised only to correct a patent error of jurisdiction, an illegality or a perversity, as was held in ***Amit Kapoor v. Ramesh Chander***,³ none of which is disclosed by the impugned order.

10. In view of the foregoing, there is no scope for interference with the impugned order, nor can any of the reliefs sought in the present petition, whether for unsettling the order passed by the BCI, or for the issuance of directions against the proposed accused persons, be granted.

11. Accordingly, the petition fails and is hereby dismissed.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 14, 2026

P/Adi

¹ (1998) 4 SCC 409.

² AIR 1968 SC 888.

³ (2012) 9 SCC 460.