

CrPC , Section 482 – Inherent power of a High Court to stay a trial under the Act – High Courts are established by the Constitution and are courts of record which will have all powers of such courts, including the power to punish contempt of themselves – The High Court, being a superior court of record, is entitled to consider questions regarding its own jurisdiction when raised before it – It is thus clear that the inherent power of a Court set up by the Constitution is a power that inheres in such Court because it is a superior court of record, and not because it is conferred by the Code of Criminal Procedure – This is a power vested by the Constitution itself, inter alia, under Article 215 – As such High Courts have the power, nay, the duty to protect the fundamental rights of citizens under Article 226 of the Constitution, the inherent power to do justice in cases involving the liberty of the citizen would also sound in Article 21 of the Constitution – This being the constitutional position, it is clear that Section 19(3)(c) cannot be read as a ban on the maintainability of a petition filed before the High Court under Section 482 of the Code of Criminal Procedure, the non-obstante clause in Section 19(3) applying only to the Code of Criminal Procedure – *Satya Narayan Sharma v. State of Rajasthan*, (2001) 8 SCC 607 (at paragraphs 14 and 15) does not, therefore, lay down the correct position in law – Stands overruled.

[ASIAN RESURFACING OF ROAD AGENCY PVT. LTD. V. CENTRAL BUREAU OF INVESTIGATION, 2018 SCej 688](#)