

**(2018) 10 DEL CK 0037**

**In the Delhi High Court**

**Case No :** Criminal Writ Petition No.791 OF 2018 & Crl. M.A. No. 4962 OF 2018

Anand Agarwal

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

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**Date of Decision :** 08-10-2018

**Acts Referred:**

Delhi Special Police Establishment Act, 1946 — Section 3, 5, 5(1), 6  
Indian Penal Code, 1860 — Section 109, 120B  
Prevention of Corruption Act, 1988 — Section 8

**Citation :** (2018) 10 DEL CK 0037

**Hon'ble Judges :** S. Muralidhar, J; Vinod Goel, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## Judgement

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Dr. S. Muralidhar, J.",,,

The issue,,

1. An interesting question of law arises in this writ petition under Article 226 of the Constitution regarding prior sanction having to be taken by the,,

Central Bureau of Investigation (â??CBIâ??) from the State government in terms of Section 6 of the Delhi Special Police Establishment Act, 1946",,,

(â??DSPE Actâ??) prior to investigating an offence in the concerned State.,,,

2. The issue arises in the context of the steps taken by the CBI to investigate a case registered as RC No.217/2107/A0004/CBI/ACU-V in New Delhi,,

on 18th February 2017 under Section 120-B of the Indian Penal Code 1860 (IPC) read with Section 8 of the Prevention of Corruption Act, 1988",,,

(â??PC Actâ??) against Mr. B. L. Agarwal, Mr. Bhagwan Singh, Mr. O.P. Sharma @ O.P. Singh @ Syed Burhanuddin, and some other unknown",,,

persons.Â,,

Background facts,,

3. The background facts are that earlier two cases were registered by the CBI against Mr. B. L. Agarwal, the then Health Secretary and present",,,

Principal Secretary, Higher Education, Government of Chhattisgarh (Respondent No.3). The Petitioner is the brother-in-law of Mr. B. L. Agarwal.",,,

The two cases registered against Mr. B. L. Agarwal by the CBI were:,,

a) RC No. 9(A)/2010/CBI/ACB/Bhilai registered at CBI/ACB/Bhilai on 31st December, 2010 in which charge sheet for commission of offences",,,

under Section 120-B read with Sections 419, 466 and 477-A of IPC was filed on 17th November, 2011.",,,

b) RC No. 1(E)/2010/EOU-VII/Delhi registered on 4th January, 2010 for commission of offences under Section 120-B IPC read with Sections 420",,,

468, 471, 477A IPC and Section 13(1)(d) read with Section 13(2) PC Act.Â",,,

4. Not much progress had been made by the CBI to prosecute the above cases. According to the CBI, Mr. Agarwal, an IAS officer of the 1988",,,

batch, had already obtained clearance from Respondent No.3 for his inclusion in the list of IAS officers of the 1988 batch empanelled for Central",,,

deputation. However, the pendency of the aforementioned two cases were a stumbling block. Therefore, Mr. B.L. Agarwal wanted CBI to close the",,,

cases and refer them to the Economic Offences Wing (â??EOWâ??) of Respondent No.3.,,,

5. According to the CBI, with a view to getting the above relief, the Petitioner entered into a criminal conspiracy with the co-accused Mr. Bhagwan",,,

Singh, a resident of Noida, Uttar Pradesh. In turn, Mr. Singh conveyed the aforementioned issue to the other co-accused Mr. O. P. Sharma who",,,

claimed to be working in the Prime Ministerâ??s Office (â??PMOâ??). Mr. Sharma claimed that he could influence the top officers of all the",,,

departments in the Government of India. Mr. Sharma further claimed that he could get the desired relief for Mr. Agarwal from the CBI and assured",,,

that the matter would be settled in his favour on payment of an illegal gratification of Rs.1.5 crores to the concerned public servants and the two co-,,

accused, viz. Mr. Singh and Mr. Sharma.",,,

6. In furtherance of the aforementioned conspiracy, Mr. B. L. Agarwal is stated to have met Mr. Singh on 11th February 2017 at Hotel Claridges",,,

New Delhi. He is also stated to have met Mr. Sharma with Mr. Singh at Hotel Saravana Bhavan, New Delhi on the same date to discuss modalities",,,

of payment of illegal gratification. Mr. B. L. Agarwal is stated to have agreed to pay the aforementioned amount as illegal gratification and further,,

thereto, he sent Rs.40 lakhs to Delhi for Mr. Singh through hawala agents in three instalments. Two instalments of Rs.15 lakhs each were sent on",,,

12th February 2017 and 14th February 2017 respectively. The third instalment of Rs.10 lakhs was sent on 16th February 2017. According to the CBI",,,

out of the aforementioned sum of Rs.40 lakhs sent by Mr. B. L. Agarwal, Mr. Singh received Rs.20 lakhs on 16th February 2017 in Delhi.Â Â",,,

7. The case of the CBI is that Mr. B. L. Agarwal expressed difficulty in arranging cash for the balance amount of the total agreed upon sum of,,

Rs.1.5 crores. He accordingly offered to pay the remaining sum in the form of gold. The two co-accused, in consultation with each other, agreed to",,,

receive the gold through a hawala agent. The CBI claims to have intercepted the Petitioner when he delivered two kilograms of gold to one Mr. Sumit,,

Pandey @ Monu on behalf of Mr. B. L. Agarwal on 18th February 2017.Â,,

The charge sheet,,

8.Â This Court has perused the charge-sheet filed in the present case wherein the precise allegations with regard to the present Petitioner read as,,

follows:,,

(v)Â It is further alleged that Sh. B.L. Agrawal expressed difficulty in arranging cash for paying the balance illegal gratification, and therefore, Sh.",,,

Syed Burhanuddin @ O.P. Sharma @ O.P. Singh and Sh. Bhagwan Singh agreed to accept a part of illegal gratification in the form of 2Kgs gold,,

from Sh. B.L. Agrawal. Sh. Syed Burhanuddin @ O.P. Sharma @ O.P. Singh, through Sh. Bhagwan Singh, asked Sh. B.L. Agrawal to deliver the",,,

gold to his contact person at Raipur. It is further alleged in the FIR that Sh. B.L. Agrawal asked his brother-in-law Sh. Anand Agrawal to arrange for,,

the delivery of 2Kg Gold and take further action in this regard. It is alleged in the FIR that Sh. B L Agrawal was likely to deliver the illegal,,

gratification in the form of 2 Kgs of gold through Sh. Anand Agrawal to contact man of Sh. Syed Burhanuddin @ Sh. O.P. Sharma @ O.P. Singh on,,

18.02.2017 at Raipur,,

Result of investigation:,,

16.2. On 18.2.2017, the CBI team led by Sh. S C Jiani, Dy.SP along with three independent witnesses, intercepted Sh. Anand Kumar Agrawal,,,

brother-in-law of Sh. B.L. Agrawal along with Sh. Sumit Pandey @ Monu Bhai, when they were coming downstairs from the shop of Sh. Monu Bhai",,,

at 1st floor of Shanti Vijay Market, Opposite Madhuvan Hotel, Sadar Bazar, Raipur at around 1405 Hrs. after Sh. Anand Agrawal had delivered two",,,

gold bricks to Sh. Monu Bhai. In this interception, a GC Note of Rs. 100 denomination bearing no. ""OKD 855931"", was recovered from Sh. Anand",,,

Agrawal which he had received from Sh. Monu Bhai after handing over the said two bricks of gold each of 1 kg weight to him, as a token of",,,

authenticity of the transaction. As soon as Sh. Anand Agrawal and Sh. Monu Bhai were intercepted, Sh. Monu Bhai informed that he had sent the",,,

said two bricks of gold to Sh. Sunil Soni through his employee/associate Sh. Subhash Prajapati.,,,

16.3 When the CBI team reached M/s Bansi Lai Soni and Sons, Proprietary concern of Shri Sunil Soni located at Ground Floor, House No. 295,,,

Opposite Soni Sadan, Swami Vivekanand Ward No.57, Budha Para, Raipur, Chhattisgarh, after concluding the proceeding at the shop of Sh. Monu",,,

Bhai, Sh. Sunil Soni had already cut one of the two gold bricks into two pieces in order to check its purity. He did not cut the other gold brick because",,,

it was bearing the Stamp of MMTC PAMP 1 KILO GOLD 995 0 MELTER ASSAYER and such gold bricks bearing the stamp impressions of,,

MMTC are treated as pure gold. Shri Anand Agarwal, Sh. Monu Bhai, Sh. Subhash Prajapati and Sh. Sunil Soni confirmed in presence of the",,,

independent witnesses that these were the same gold bricks which Sh. Anand Agrawal had handed over to Sh. Monu Bhai at around 14.05 hrs. on,,

18.2.2017. Therefore, these gold bricks were seized by CBI in presence of independent witnesses under their signatures.Â",,,

16.4 Sh. Dinesh Kumar Goyal @ Titu @ Rambhai received a call on 17.02.2017 from Sh. Syed from his mobile No.897885111 whereby he (Syed),,,

asked him to get his 2kg of gold sold at Raipur, therefore, he contacted Sh. Mohit Agrawal for the purpose who gave him the number of one Sh. Monu",,,

Bhai in Raipur and number of a Rs.100 GC note which he passed on to Sh. Syed over phone through whatsapp or sms. The contact number of Sh.,,,

Monu Bhai and number of a 100 rupee GC note, which was recovered from Sh. Anand Agrawal, has been found in the SMS data contained in mobile",,,

handset of Sh. Syed, seized from Sh. V S Raju, an employee of Sh. Syed Burhanuddin. This SMS has been forwarded by Sh. Syed Burhanuddin to",,,

Sh. Bhagwan Singh.,,,

16.5 Sh. Mohit Aggarwal @ Ayush Kumar Aggarwal, on receiving call from Sh. Dinesh Kumar Goyal @ Titu @ Rambhai had called up Sh. Monu at",,,

Raipur, who was known to him, at his land line no. 0771-2539007 on 17.02.2017 and took the number of Rs.100/- GC note and passed on the same",,,

along with the landline number of Sh. Monu to Sh. Titu.,,,

16.6 Sh. Amit Kumar Jain who knew Sh. Anand Agrawal since childhood, on his request had introduced Sh. Anand Agarwal to Sh. Rahul Kochar of",,,

M/s Kochar Jewellers. On 03.02.2017, Sh. Anand Agarwal gave an amount of Rs.29,40,000/- in the denomination of Rs.2000/- in cash to Sri Rahul",,,

Kochar and received One Kg of gold from him in his presence.,,,

9. It is the case of the Petitioner that after his arrest, he was produced before the concerned criminal Court in Delhi and remanded to judicial custody.",,,

He was ultimately granted bail by the said criminal court. A charge-sheet was filed in the Court of the Special Judge, CBI Cases, Patiala House",,,

Court, New Delhi on 20th April 2017. The arguments on the issue of charge are still underway in those proceedings.Â",,,

The present petition,,,

10. The first prayer in this writ petition is that this Court should declare invalid a notification No. 228/61/2000-ADV dated 25th April 2001 issued by,,

the central government in exercise of the powers under Section 5 (1) of the DSPE Act extending, with the consent of the Government of",,,

Chhattisgarh, the powers and jurisdiction of the members of the DSPE to the whole of Chhattisgarh for investigation of offences specified in the",,,

Schedule to the said Notification and attempt, abetment and conspiracy in relation thereto or in connection with the offences mentioned in the list and",,,

any other offences committed in the course of the same transaction or arising out of the same facts. The case of the Petitioner is that through the,,

replies received from Respondent No.3 to applications made to it under the Right to Information Act 2005 (RTI Act) it stood established that no such,,

consent of Respondent No.3 has ever been granted and that Respondent No.3 grants consent only on a case to case basis ever since the formation of,,

Respondent No.3 in 2000.Â",,,

11. The further prayers in this petition are that this Court should declare all actions, inquiries and investigation undertaken by the CBI against the",,,

Petitioner to be without jurisdiction and void ab initio. The third prayer is that the order dated 27th April 2017 of the learned Special Judge CBI Cases",,,

New Delhi taking cognisance of the offence in the absence of a valid sanction under Section 6 DSPE Act and the charge sheet dated 20th April 2017,,,

filed by the CBI insofar as they concern the present Petitioner should be quashed.Â,,

12. Notice was issued in this petition on 16th March 2018. This Court, by an interim order dated 10th May 2018, directed that the arguments on charge",,,

could proceed but no order on charge would be passed.Â,,

Stand of Respondent No.3,,

13. Pursuant to the notice issued to it, both Respondent Nos.2 and 3 (CBI and the Government of Chhattisgarh) have filed their respective replies.",,,

Respondent No.3 has supported the Petitioner contending that at no point in time was any consent given by Respondent No.3 under the DSPE Act.,,,

Respondent No.3 points out in response to the assertion in the notification dated 25th April 2001 of the central government that Respondent No.3 had,,,

conveyed its consent on 3rd February 2001, that the said letter did not merit as a notification since the State never gave any consent.Â Â",,,

Stand of the CBI,,

14. The stand of the CBI is that the criminal conspiracy was entered into between Mr. Agarwal and the co-accused in Delhi and it is only pursuant,,,

thereto that the other co-accused, including the present Petitioner, acted. It is submitted that as long as the offence is committed in Delhi, and the case",,,

was validly registered by the CBI in Delhi, it did not matter if the investigation pursuant to the said offence is carried on in other States without the",,,

prior sanction of those States under Section 6 DSPE Act. Mr. Anupam Sharma, learned counsel for the CBI places reliance on the decisions in",,,

Hussein Ghadially v. State of Gujarat (2014) 8 SCC 425; State of West Bengal v. The Committee for Protection of Democratic Rights (2010) 3 SCC,,,

571; Vineet Narain v. Union of India (1998) 1 SCC 226; Kazi Lhendup Dorji v. Central Bureau Of Investigation (1994) Suppl. (2) SCC 116; Surinder,,,

Singh Ahluwalia (I) v. Delhi Special Police Establishment 1991 Cri LJ 2583; S. S. Ahluwalia (II) v. Central Bureau of Investigation 2011 (1) JCC 602;,,,

The Management of Advance Insurance Co. Ltd. v. Gurudasmal (1970) 1 SCC 633; and N. Nagambikadevi v. Central Bureau of Investigation 2002,,

Cri LJ 1334. Reliance is also placed on the decision of the learned Single Judge of the Patna High Court dated 17th September 2018 in Kanwal Tanuj,,

v. State of Bihar (Cr. WJC 879/2018) and the decision of the learned Single Judge of this Court dated 25th March 2009 in Ramesh Chandra v. Central,,

Bureau of Investigation (Crl. M.C. 3172/2008),,,

Submissions of the Petitioner,,

15. Mr. Amarendra Sharan, learned Senior Counsel appearing for the Petitioner, argues, on the other hand, that on a collective reading of Sections 5",,,

and 6 DSPE Act, it is untenable that any investigation can be carried on in any State outside Delhi without the consent of the concerned State",,,

Government being obtained under Section 6 DSPE Act. He submits that without such consent, the entire action of interrogation and arrest of the",,,

Petitioner would be illegal and ought to be declared as such. Reliance is placed on the decisions in Virbhadra Singh v. Central Bureau of Investigation,,

2017 SCC Online Del 7747; Vijaysinh Chandubha Jadeja v. State of Gujarat (2011) 1 SCC 609; and Mayawati v. Union of India (2012) 8 SCC 106.Â,,

16. Mr. Sharan submits that there were two illegalities committed by the CBI in the present case. The first was that the CBI, without the previous",,,

sanction of Respondent No.3 as is mandatorily required by Section 6 of the DSPE Act,, could not have arrested the Petitioner in Raipur, Chhattisgarh",,,

or have made any of the subsequent seizures even though it was pursuant to a case registered in Delhi or in connection with a crime that may have,,

been committed by the main accused in Delhi. The second is that the Petitioner was arrested and, without any transit remand being obtained from the",,,

local Magistrate, straightway produced before the concerned CBI Court in Delhi. This, it is argued, was in violation of Article 22 of the Constitution",,,

read with Section 6 DSPE Act.Â Â Â Â Â,,

Illegality of arrest,,

17. As far as the second alleged violation is concerned, the Court finds that no mention is made of the same in the writ petition and therefore, there",,,

was no occasion for the CBI to address it in their reply. Nevertheless, Mr. Anupam Sharma, learned counsel appearing for the CBI, submits that, in",,,

terms of Article 22 of the Constitution itself, after excluding the time taken for

the journey, a person arrested in Raipur by the CBI pursuant to a case",,, registered in Delhi has to be produced before a Magistrate within 24 hours. It is only if the journey is likely to take more than 24 hours, that the person",,, arrested has to be produced before a local Magistrate and a transit remand obtained.Â,,

18. The Court finds that in Article 22 (2), in computing the period of 24 hours the travel time for the arrested person to be produced before the",,,

jurisdictional Court is to be excluded. If the arrested person cannot be produced within 24 hours then he has to be produced before the nearest",,,

Magistrate.Â,,

19. In the present case, admittedly the Petitioner was produced before the Special Judge CBI in New Delhi within 24 hours of his arrest in Raipur.",,,

Since the CBI did not anticipate that more than 24 hours after his arrest would be needed to produce the Petitioner before the jurisdictional Court in",,,

Delhi, there was no occasion for the CBI to have produced the Petitioner before the local Magistrate for a transit remand. Further, the case was in",,,

fact registered in Delhi with the case of the CBI being that the criminal conspiracy was entered into in New Delhi and all further actions taken by the",,,

principal accused as well as the other accused were only pursuant to that conspiracy. The charge-sheet has been filed in the Court of the Special",,,

Judge CBI in New Delhi. That Court is therefore the jurisdictional Court.Â,,

Prior sanction under Section 6 DSPE Act",,,

20. As far as the first submission regarding prior sanction of Respondent No.3 is concerned, the Court would first like to refer to Sections 5 and 6",,,

DSPE Act, which read as under:Â",,,

5. Extension of powers and jurisdiction of special police establishment to other areas.â?"(1) The Central Government may by order extend to any area",,,

(including Railways areas), a State, not being a Union territory the powers and jurisdiction of members of the Delhi Special Police Establishment for",,,

the investigation of any offences or classes of offences specified in a notification under section 3.",,,

(2) When by an order under sub-section (1) the powers and jurisdiction of members of the said police establishment are extended to any such area, a",,,

member thereof may, subject to any orders which the Central Government may make in this behalf, discharge the functions of a police officer in that",,,



area and shall, while so discharging such functions, be deemed to be a member of a police force of that area and be vested with the powers, functions",,

and privileges and be subject to the liabilities of a police officer belonging to that police force.,,

(3) Where any such order under sub-section (1) is made in relation to any area, then, without prejudice to the provisions of sub-section (2) any",,

member of the Delhi Special Police Establishment of or above the rank of SubInspector may subject to any orders which the Central Government may,,

make in this behalf, exercise the powers of the officer in charge of a police station in that area and when so exercising such powers, shall be deemed",,

to be an officer in charge of a police station discharging the functions of such an officer within the limits of his station.,,

6. Consent of State Government to exercise of powers and jurisdiction.â?" Nothing contained in section 5 shall be deemed to enable any member of,,

the Delhi Special Police Establishment to exercise powers and jurisdiction in any area in [a State, not being a Union territory or railway area, without",,

the consent of the Government of that State.,,

21. At first blush, it would appear that any investigation carried out in a State other than the State where the case is registered would require the CBI",,

to take the prior permission of the State in which the investigation is sought to be carried out. Thus, in the hypothetical situation of a case registered by",,

the CBI in Kolkata, West Bengal requiring investigations to be carried out in four other States, if one went by the contention of the Petitioner then",,

prior permission would have to be sought from the Governments of each of those four States before the CBI proceeds to take any step in any of those,,

respective States by way of investigation.Â,,

22.1 Although many decisions have been cited by counsel on both sides, this Court proposes to discuss only those that are directly relevant to the facts",,

of the present case. The decision in Virbhadr Singh (supra) was relied upon by Mr. Sharan in support of his proposition that, in the instant case, the",,

steps taken by the CBI in Raipur without the consent of Respondent No.3 were invalid and therefore, that part of the charge-sheet concerning the",,

Petitioner and the criminal case itself be declared invalid.Â Â Â,,

22.2 The facts in Virbhadr Singh (supra) were that the Petitioner, in a writ petition under Article 226 of the Constitution, sought the quashing of a",,

case registered by the CBI under the PC Act and Section 109 IPC. In fact, the writ petition was first filed in the Himachal Pradesh High Court but",,,

was transferred to this Court after the CBI approached the Supreme Court with a transfer petition. One of the grounds urged by the Petitioner there,,

was that the CBI had no authority or jurisdiction to carry out the investigation in the said case in the State of Himachal Pradesh since that State had,,

not granted its consent to such an investigation. It was further contended that FIR/RC registered by the CBI and the order for issuance of search,,

warrants issued by the Court in Delhi in respect of searches to be conducted at places outside Delhi, and at Shimla, are null and void, and without",,,

jurisdiction.Â,,

22.3 In deciding this issue, the learned Single Judge observed, after discussing the decisions in Gurudasmal (supra), Surinder Singh Ahluwalia (I)",,,

(supra), The Committee for Protection of Democratic Rights (supra), Mayawati (supra), that",,,

for the purpose of empowering and authorizing the,,

4.Â Whether it was mandatory for the Central Bureau of Investigation to seek the consent of the State Government as per section 6 of the Delhi,,

Special Police Establishment Act at the time of registration of FIR and its subsequent investigation and raiding the residential premises of the,,

petitioners and non conforming to mandatory provisions of section 6 of the Delhi Special Police Establishment Act vitiates the investigation as well as,,

raid in the official premises of the petitioners?Â It was not mandatory for the CBI to seek the consent of the State Government of Himachal Pradesh,,

under Section 6 of the DSPE Act at the time of registration of the FIR/ RC. Thus, the FIR/RC cannot be quashed on the ground of there being no",,,

consent under Section 6 of the DSPE Act from the State Government of Himachal Pradesh. It was mandatory for the CBI to obtain the consent of,,

the State of Himachal Pradesh under Section 6 prior to conduct of any part of investigation in the area of State of Himachal Pradesh. The issue,,

whether such DSPE/CBI to carry out investigation in an area falling beyond the area of the Union Territories and Railway Areas, i.e. in any area",,,

falling within one of the constituent States of the Indian Union, the consent of the Government of the State within whose area the DSPE/CBI needs to",,,

carry out investigation isÂ imperative.Â,,

4.,"Whether it was mandatory for the Central Bureau of Investigation to seek the consent of the State Government as per section 6 of the Delhi Special Police Establishment Act at the time of registration of FIR and its subsequent investigation and raiding the residential premises of the petitioners and non conforming to mandatory provisions of section 6 of the Delhi Special Police Establishment Act vitiates the investigation as well as raid in the official premises of the petitioners?","It was not mandatory for the CBI to seek the consent of the State Government of Himachal Pradesh under Section 6 of the DSPE Act at the time of registration of the FIR/ RC. Thus, the FIR/RCc cannot be quashed on the ground of there being no consent under Section 6 of the DSPE Act from the State Government of Himachal Pradesh. It was mandatory for the CBI to obtain the consent of the State of Himachal Pradesh under Section 6 prior to conduct of any part of investigation in the area of State of Himachal Pradesh. The issue whether such consent had been obtained generally, or specifically, as well as the issue as to what is the effect of the investigation conducted, if any, without obtaining the prior consent of the State Government of Himachal Pradesh, cannot be determined in the present proceedings and would fall for consideration, if and when a charge-sheet is filed before the learned Special Judge. The issue whether, investigation carried out de hors the consent of the

State of Himachal Pradesh â?" even if it were to be accepted for the sake of arguments that such consent was not available, would have to be considered by the learned Special Judge in the light of the discussion and decisions taken note of hereinabove.

requirement of Section 6 vis-à-vis the Government of Uttar Pradesh. The offences investigated by the CBI were neither committed within the State,, of UP or by the petitioner in his official capacity as Vice Chancellor of CCSU.,,

25. In the considered view of this Court, in the facts and circumstances of the present case, there was absolutely no requirement for the CBI to have",,, obtained the prior permission of the State of UP for prosecuting the petitioner pursuant to the registration of the aforementioned RC.Â,,

26. A similar view has been expressed by another learned Single Judge of the Patna High Court in Kanwal Tanuj (supra). The purpose of the,, provisions of the DSPE Act is to facilitate the CBI in carrying out its investigations. It would, therefore, be counter-intuitive if the task of the CBI is",,, frustrated beyond the point of practicality. If in every such case the investigation is stalled because of the absence of sanction of a particular State,, other than the State where the case is registered, then the scheme of Sections 5 and 6 of the DSPE Act and their purpose would be defeated.Â",,,

27. In the present case, the actions of the Petitioner spoken of in the charge sheet, though performed at Raipur, were pursuant to the criminal",,, conspiracy entered into between some of the accused in New Delhi. According to the CBI, those actions of the Petitioner were in continuation of and",,, in a sense, a completion of the criminal acts that were planned to be undertaken in that conspiracy. They are inseparable from the main criminal",,, conspiracy itself. According to the CBI, it is not, therefore, as if separate and distinct offences unconnected with the main criminal conspiracy in New",,, Delhi were undertaken by the Petitioner in Raipur. Also, a reading of the charge sheet shows that the case of the CBI is that the Petitioner was",,, aware that he was acting pursuant to and in furtherance of such criminal conspiracy.Â,,

28. The CBI's case is that offence of criminal conspiracy for which the case has been registered was committed not in Chhattisgarh but in New,,,

Delhi. That explains why the CBI has registered the case in New Delhi. The Court finds merit in the contention of the CBI that merely because the,,

further acts pursuant to that criminal conspiracy were performed by the co-accused in a place outside Delhi, in this case Raipur, there would be no",,,

necessity for the CBI to seek the prior sanction of Respondent No.3 under Section 6 DSPE Act to take further steps to investigate that case in Raipur,,

or other places in Chhattisgarh.Â,,

29. For the above reasons, this Court is unable to accede to the second and third prayers of the Petitioner.",,

Conclusion,,

30. The Court is conscious that an order on charge is yet to be passed in the present case by the Special Judge (CBI). Whether the charge-sheet,,

makes out a case against the Petitioner for the framing of charges as prayed for by the CBI is a question that has to be considered by the learned,,

Special Judge on merits and in accordance with law. In making that decision, the Special Judge (CBI) shall not be influenced by any observations",,,

made by this Court in this order.,,

31. The Court accordingly finds no merit in this writ petition. The interim order is vacated. The writ petition and the application are dismissed with no,,

orders as to costs.,,