

(2018) 10 DEL CK 0216

In the Delhi High Court

Case No : Criminal Miscellaneous CaseNo.5052 OF 2018 & CrI. M.A. No.33446
OF 2018

Dr. Sukhwinder Singh & Anr

APPELLANT

Vs

Central Bureau Of Investigation

RESPONDENT

Date of Decision : 11-10-2018

Acts Referred:

Indian Penal Code, 1860 — Section 120B

Prevention of Corruption Act, 1988 — Section 7, 8, 12, 13(1)(d), 13(2)

Citation : (2018) 10 DEL CK 0216

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

SANJEEV SACHDEVA, J

1. Petitioners seek quashing of FIR dated 22.04.2010 and charge sheet dated 16.09.2011 arising out of RC No.2-2010-CBI-ACU-IX-ND pending

before the Special Judge (PC Act) CBI Court in CC No.09 of 2017 titled "CBI vs. Dr. Ketan Desai &Ors." and also seeks setting aside of the

impugned order dated 18.08.2018.

2. Learned senior counsel for the petitioners contends that charge was framed against the petitioners on 04.06.2012 for having allegedly committed the

offence under Section 120-B IPC read with Section 7, 8, 12 & 13 (2) read with Section 13 (1) (d) of Prevention of Corruption Act.

3. Learned senior counsel for the petitioners submits that sanction was not granted to the prosecution to prosecute the sole public servant who was

also charge sheeted on the same date. Learned senior counsel further submits that since the sole public servant, who was arrayed as an accused, is

not being prosecuted, the charge as was framed, cannot stand.

4. Learned senior counsel, under instructions, seeks leave to withdraw the petition with liberty to approach the trial court for inter alia modification of

the charge on the ground that the sole public servant is not being prosecuted as the sanction has not been granted for his prosecution.

5. In view of the above, the petition is dismissed as withdrawn with liberty to the petitioners, as prayed for. It is clarified that this court has neither

considered nor expressed any opinion on the merits of the contentions of either of the parties.

6. The petition is disposed of in the above terms.

7. Order dasti under the signatures of the Court Master.