

(2018) 02 DEL CK 0329

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2773 Of 2012

Ketan Desai

APPELLANT

Vs

Central Bureau Of Investigation

RESPONDENT

Date of Decision : 12-02-2018

Acts Referred:

Indian Penal Code, 1860 — Section 120B

Code Of Criminal Procedure, 1973 — Section 197

Prevention Of Corruption Act, 1988 — Section 7, 8, 10, 13(1)(d), 13(2), 19

Citation : (2018) 02 DEL CK 0329

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Sudhir Nandrajog, Yoginder Handoo, Bhawani Gupta, Sanjeev Bhandari

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

Crl.M.A.19839/2017(exemption)

Allowed, subject to all just exceptions.

Crl.M.A.19838/2017(bringing on record application filed by CBI) & CRL.M.C. 2773/2012

1. The petitioner, by this application, seeks to place on record the application filed by respondent â?" Central Bureau of Investigation (CBI) before the

Special Court, Lucknow as well as the order dated 21.09.2015 passed by the Special Judge, CBI, dropping the proceedings against the petitioner till

receipt of prosecution sanction under Section 197 of the Code of Criminal Procedure (Cr.P.C.) and further directing that if such a sanction is received,

the trial would re-commence.

2. Learned Special Public Prosecutor appearing for the CBI has filed a status report dated 27.11.2017, wherein it is stated as under:-

1. That with regard to the averments made in paras of the application, it is submitted that a charge-sheet was filed under Section 120-B

IPC & Sections 7, 8, 10, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 against the petitioner and others.

2. In view of the allegations, facts and evidence emerged during the course of investigation, sanction from competent authority under

Section 197 Code of Criminal Procedure, 1908, and/or under Section 19 of the Prevention of Corruption Act, 1988, requires to be obtained

in accordance with law.

3. That the respondent most respectfully submits that respondent CBI filed application before Ld. Special Judge, CBI, Lucknow (CC

No.7/2012) and the Ld. Special Judge, CBI, Lucknow was pleased to drop the proceeding till the receipt of sanction against the accused

named petitioner herein.

4. In view of the above, it is humbly prayed that this Honâble Court may be pleased to dispose of the petition with the liberty to the

respondent CBI to obtain the sanction under Section 197 of the Code of Criminal Procedure, 1908, and/or under Section 19 of the

Prevention of Corruption Act, 1988 in accordance with law in relation to the petitioner and reserving the legal rights of the respondent CBI

to revive the proceedings against the petitioner in C.C.No.11/12 (R.C.No.2A-1010-CBI-ACU-IX, New Delhi registered under Section 120B

IPC & Sections 7, 8, 10, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988), before the concerned Ld. Special

Judge, CBI Court, Patiala House Courts, New Delhi, by way of application and/or supplementary chargesheet.

5. Pass any such other order which this Honâble Court may deem fit and proper under the facts and circumstances of the

present case in favour of respondent CBI.

3. In view of the above, the proceedings initiated against the petitioner are dropped till sanction is received either under Section 197 Cr.P.C. or Section

19 of the Prevention of Corruption Act, 1988, in accordance with law.

4. On receipt of such sanction, the trial would re-commence against the

petitioner.

5. In view of the above, the present proceedings are disposed of.

6. Order Dasti under the signatures of the Court Master.