

14, 15 & 16

% 17.9.2009

Present: Mr. R. Malhotra, Adv. for the petitioner in It. No.14.
Mr. J.S. Bakshi, Adv. for the petitioner in It. No. 15&16.
Mr. Harish Gulati, Standing Counsel for CBI.

+Crl. Rev. P. No. 237/2008

Crl. Rev. P. No. 289/2008 & Crl. M.A. No. 6379/2008

Crl. Rev. P. No. 655/2008

1. This is criminal revision petition against the order dated 11th April, 2008 passed by the learned Special Judge, Delhi directing the framing of charge against the petitioner under Section 7 and 13(1)(d) punishable under Section 13(2) of the Prevention of Corruption Act, 1988 read with section 120-B IPC. The order of framing of charge or directing framing of charge has been held as an interlocutory order by this Court in case titled **Dharmbir Khattar & Ors. Vs. Central Bureau of Investigation** 2009 (IV) AD Delhi 657 and accordingly revision is not maintainable. The Section 19(3)(c) of the Prevention of Corruption Act, 1988 has been relied upon for this purpose.
2. The said judgment of this Court was assailed by way of special leave to appeal (Criminal) bearing No. 5150-5053/2009 which was listed before the Hon'ble Supreme Court on 24th August, 2009 and the same was also dismissed.
3. The learned counsel for the petitioner has tried to re-agitate the said issue before this Court by urging that the learned Single Judge of this Court has not correctly appreciated the distinction

between **V.C. Shukla Vs. State** AIR 1980 SC 962 and **State (Delhi Admn.) Vs. V.C. Shukla** AIR 1980 SC 1362.

4. I do not find any justification for reopening the entire issue which stands concluded by a detailed order of the learned Single Judge, more so ^{as} the SLP has been also dismissed.
5. The present revision petition is accordingly dismissed.
6. The Trial Court record be sent back to the Court concerned.



V.K. SHALI, J.

SEPTEMBER 17, 2009
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