

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 210 of 2015**

- Dr. Shashi Kant Saxena S/o. Shri Ravi Prakash Saxena Aged About 51 years Joint Director (Medical And Health Services) And Cardiologist, R/O Qtr. No. 3-A, Street No. 31, Sector-9, Bhilai, Police Station Sector 6, District Durg C.G., Permanent R/O 20 Neemtal, Near New Bus Stand, In Front Of Madhavganj Middle School, Vidisha, District Vidisha (M.P.).

---- Applicant.**Versus**

- Central Bureau Of Investigation Through S.P. (C.B.I.) Qr. No. 4, Street : 15, Sector: 9, Bhilai District - Durg C.G.

---- Respondent

For applicant	: Shri Adil Minhaj, Advocate.
For Respondent	: None present.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29/04/2015**

Heard learned counsel for the applicant.

2. The applicant has filed this Criminal Revision under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (for short 'the Code'), being aggrieved by the order dated 20.02.15 passed by the Special Judge CBI whereby the Court has kept application (IA No.01) filed on behalf of the applicant pending with an observation that IA No.01 may be disposed of as per law on appropriate time and on later occasion.

3. By filing this criminal revision, the applicant has prayed for setting aside the impugned order dated 20.02.15 and the Court below may be directed to decide the application under Section 19 of the Prevention of Corruption Act as filed by the applicant before examining

any other witness. No any written response/objection filed on behalf of the respondent.

4. Learned counsel for the applicant prayed that the ground taken in the revision may be taken into consideration as the impugned order is not reasonable, contrary and unconstitutional. He duly supported the ground taken in the revision and submitted that the revision may be allowed and the impugned order may be set aside.

5. No one represented and submitted on behalf of the respondent/CBI at the time of hearing of this petition.

6. After appreciating the arguments and prayer submitted before this Court by the applicant, the revision petition and the documents annexed along the with the revision are perused.

7. To dispose of this revision, this Court has to appreciate whether any illegality, impropriety or incorrectness was committed by the trial Court while passing the order impugned.

8. The trial Court vide its order dated 20.02.15 held that IA No.01 may be disposed of as per law on later occasion and at appropriate time. The trial Court has not disclosed when shall be the later occasion and appropriate time. The trial Court is duty bound to state clearly regarding later occasion and appropriate time as per law.

9. In the considered view of this Court, by putting the words “ later occasion appropriate time” the trial court has committed illegality. The trial Court has to dispose of this petition as per law and if it keeps pending the above IA No.01 it was duty bound to state clearly regarding later occasion and appropriate time. In view of this Court, the impugned order of the trial Court requires interference.

10. Consequently, impugned order dated 20.02.15 is hereby set aside so far as it relates to keep pending IA No.01 for later occasion

and for appropriate time. The trial Court is directed to dispose of IA No.01 after hearing both the parties afresh on its merits.

11. With the above observation, the revision is hereby allowed.

(Chandra Bhushan Bajpai)
J U D G E

Bini