

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: January 14, 2015

+ CRL.M.C. 128/2015 & Crl. M.A.Nos.559-560/2015

K NARAYANA RAO Petitioner

Through: Mr. R.K. Handoo, Advocate

versus

CBI Respondent

Through: Ms. Rajdipa Behrui, Advocate

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

**JUDGMENT
(ORAL)**

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In FIR No. 0722010 (E) 0005, under Sections 13 (2) r/w Section 13 (1) (d) of the IPC, petitioner has been summoned as an accused vide order of 10th September, 2013. Now, in the year 2015 i.e. after a lapse of about 1½ years, petitioner is challenging the impugned order.

Upon Notice, Ms. Rajdipa Behrui, learned counsel appearing for respondent-CBI informs that the matter is coming up before the trial court on 28th February, 2015 for hearing on the point of framing of charge and the pleas urged herein by petitioner can be raised before the trial court at the charge stage.

Since petitioner has an alternate and efficacious remedy to seek discharge from trial court by urging the pleas taken herein, therefore, this Court is not inclined to exercise its inherent jurisdiction under Section 482 of Cr.P.C.

Such a course is being adopted in view of dictum of Apex Court in *Padal Venkata Rama Reddy Alias Ramu v. Kovvuri Satyanarayana Reddy & Ors.* (2011) 12 SCC 437, which is as under: -

"It is well settled that the inherent powers under Section 482 can be exercised only when no other remedy is available to the litigant and not in a situation where a specific remedy is provided by the statute. It cannot be used if it is inconsistent with specific provisions provided under the Code (vide Kavita v. State and B.S.Joshi v. State of Haryana). If an effective alternative remedy is available, the High Court will not exercise its powers under this section, specifically when the applicant may not have availed of that remedy."

Applying the dictum of the Apex Court in *Padal Venkata Rama Reddy (supra)* as referred to hereinabove, this petition and applications are disposed of with liberty to petitioner to urge the pleas taken herein before the trial court at the stage of hearing on the point of charge and if it is so done, then trial court shall deal with the pleas raised herein by passing a speaking and reasoned order.

With aforesaid observations, this petition and applications are disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 14, 2015

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