

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43038-2015

Date of decision: August 03, 2016.

Subhash Kataria

... **Petitioner**

v.

CBI, Sector 30, Chandigarh

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri ADS Sukhija, Advocate for the petitioner.

Shri Sukhdeep Singh Sandhu, Advocate
Standing Counsel for CBI.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties.

Learned Counsel for the petitioner has invited my attention to the order dated 18.9.2015 passed by the learned Special Judge, CBI Court, Chandigarh. According to him, after a few rounds of litigation upto this Court, it was directed that the petitioner-accused be supplied all the relevant documents in terms of provisions of Section 207 Cr.P.C. According to him, despite this direction, complete documents, in particular the complete transcript of his recorded version, has not been supplied. He then submits that despite this decision, the trial Judge has recorded in para 1 of the impugned order that the accused have received all the documents which were relied upon by the CBI in the report under Section 173 Cr.P.C. and their statements to the said effect have been recorded separately. Learned

Counsel for the petitioner submits that this statement is wrong since the petitioner has not received the complete set of documents as stated in this order.

In my opinion, the said order was passed on 18.9.2015 and statement recorded in para 1 of this order is the one of fact as the accused were personally present before the trial Court. This Court is unable to find out whether the said statement is right or wrong in the absence of any material before it to substantiate the same. The petitioner may thus approach the same Court. In this view of the matter, present petition deserves to be disposed of. Liberty is reserved in favour of the petitioner, if advised, to apply to the said learned Judge who shall take a decision on its own. The trial shall not be stalled and will continue to proceed.

Disposed of.

[A.B. Chaudhari]
Judge

August 03, 2016.
kadyan

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No