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

+ CRL.REV.P. 300/2012

CBI

..... Petitioner

Through: Ms. Rajdipa Behura, Spl.P.P. for CBI

versus

BHUPINDER SINGH BHOLA

..... Respondent

Through: Ms.Rebecca M.John, Sr. Advocate
with Mr.Harsh Bora & Ms.Nicy
Paulson, Advocates

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

30.03.2016

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1. This revision petition has been preferred by the State impugning the order dated 20th November, 2010 whereby the learned ASJ observed that no offence under Section 471 IPC is made out against the accused and he was ordered to be discharged for the said offence with direction to face trial only for the offence punishable under Section 420 IPC.

2. During the course of hearing, Ms.Rebecca M.John, learned counsel for the respondent submits that without prejudice to the rights and the contentions of the respondent with liberty to take all the pleas available to him in respect of accusation under Section 471 IPC, the respondent has no objection if he is also charged for the offence punishable under Section 471 IPC as well, as he is already facing trial for the offence punishable under Section 420 IPC.

3. In the instant case learned Magistrate vide order dated 23rd March,

2009 directed the accused to be charged for the commission of the offence punishable under Section 420/471 IPC.

4. Aggrieved by the order on charge, the respondent/accused preferred Crl. Rev. Pet.No. 016/2010 wherein the learned ASJ observed that prima facie no offence under Section 471 IPC is made out against him. He was made to face trial only for the offence punishable under Section 420 IPC.

5. In view of the submissions made by Ms.Rebecca M.John, learned Senior Counsel for the Respondent, impugned order dated 20th November, 2010 passed in Crl. Rev. P. No 016/2010 is modified to the extent that the respondent shall face trial for the offence punishable under Section 420/471 IPC. It is clarified that the submission made by the learned counsel for the respondent herein conceding to face trial for the offence punishable under Section 471 IPC as well is without prejudice to his rights and contentions and to take all the pleas available to him in his defence.

6. It has been informed that six prosecution witnesses have been examined so far. On the next date of hearing before learned Trial Court, before starting examination of prosecution witnesses, learned Trial Court shall frame charge for the offence punishable under Section 471 IPC as well giving liberty to the respondent/accused to recall all/any of the witnesses who have been already examined in this case.

7. Parties are directed to appear before the learned Trial Court on 7th May, 2016, which is already fixed.

8. Revision Petition stands allowed in above terms.

9. Copy of the order be given dasti, as prayed.

PRATIBHA RANI, J.

MARCH 30, 2016/‘pg’