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

+ **CRL.M.C. 2810/2016**

TIRUPATI BALAJI PADHI

..... Petitioner

Through Ms.Parvinder Khatra and Mr.Dinesh
Sharma, Advs.

versus

C.B.I

..... Respondent

Through Mr.Narender Mann, SPP for CBI with
Mr.Manoj Pant, Adv.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **05.08.2016**

Crl.M.A. 11975/2016 (Exemption)

Application is allowed subject to just exceptions.

Crl.M.C. 2810/2016 & Crl.M.A. 11976/2016 (Delay in re-filing)

The present petition has been filed for exemption of the appearance of the petitioner before the Trial Court in CC No.12/2011 CBI vs. D.K. Tyagi & Ors.

Learned SPP for CBI accepts notice of the petition.

Arguments heard.

Arguments advanced by the counsel for the petitioner is that the accused moved an exemption application before the Trial Court and the Trial Court granted the exemption and the present petition has been moved seeking permanent exemption. It is further submitted that out of four consecutive dates, accused may be exempted for one

or two dates. It is further submitted that the petitioner is continuously appearing on every date.

Learned Special Public Prosecutor for the CBI vehemently opposed the present petition.

As discussed above, this Court is of the view that grant of exemption is a prerogative of the Trial Court and it is for the Trial Court to see whether the grant of exemption affects the trial or proceedings before the Court below and then it is for the Trial Court to pass the order accordingly.

In the facts and circumstances, this Court is of the considered opinion that under Section 482 Cr.P.C., no ground is made out to interfere in the functioning of the Trial Court to exempt the appearance of the accused as it is the sole prerogative of the Trial Court. However, the Trial Court is directed to expedite the trial and conclude the trial preferably within the period of six months.

The petition and application CrI.M.A. 11976/2016 are accordingly disposed of.

P.S.TEJI, J

AUGUST 05, 2016
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