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

+ **CRL.M.C. 2965/2016**

VIJAY KUMAR BHANDARI

..... Petitioner

Represented by: Mr. Ashok Agarwal and Mr.
Aayush Chandra, Advocates.

versus

**CENTRAL BUREAU OF
INVESTIGATION & ORS.**

.... Respondents

Represented by: Mr. Sanjeev Bhandari, Spl. P.P.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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17.08.2016

Crl. M.A. No. 12743/2016 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2965/2016 and Crl. M.A. No. 12742/2016 (Stay)

1. The petitioner is one of the accused in the trial before the learned Special Judge in RC No.15 (S)/1992 (Old) CBI/SCB/ND CC No.01/15 (New) titled as CBI vs. V.K. Bhutani & Ors. The petitioner is accused No.3. In an application filed by accused No.2 D.B. Madan, the learned Trial Court permitted him to lead secondary evidence.

2. The grievance of the petitioner, who is accused No.3, is that the learned Trial Court has permitted the accused No.2 to lead evidence in respect of a departmental inquiry which held the petitioner guilty and that inquiry was not faced by the applicant before the learned Trial Court, that is,

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accused No.2 D.B. Madan because he retired.

3. The apprehension of the petitioner is that once this evidence is led, the same will be used against him which would prejudice him.

4. Whether the said evidence is admissible, relevant and whether it can be used to the prejudice of the petitioner, is to be decided by the learned Trial Court as yet. Supreme Court in the decision reported as 2003 (6) SCC 641 State through Special Cell, New Delhi vs. Navjot Sandhu @ Afshan Guru & Ors guided the High Court from ineffectual and/or needless interference during trial. It was held that if the order assailed is purely of an interlocutory character, which could be corrected in exercise of revisional powers or appellate powers, the High Court must refuse to exercise its inherent power.

5. No peremptory orders as are being sought by the petitioner can be passed in the present petition.

6. Petition and application are dismissed.

MUKTA GUPTA, J.

AUGUST 17, 2016
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