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

+ CRL.M.C. 3716/2016

DR A K SINHA

..... Petitioner

Represented by: Mr. Yashank Pravin Adhyaru,
Sr. Adv. with Mr. Niranjana
Sahu, Adv.

versus

C B I

..... Respondent

Represented by: Mr. Anupam S. Shama, Spl. PP

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.12.2016

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1. The grievance of the petitioner in the present petition is limited. Vide order dated 26th September, the learned Trial Court noted that the matter was fixed for filing written statement under Section 313 Cr.P.C. from question Nos. 201 to 450 supplied to learned counsel for the accused on 23rd September, 2016, however neither the written statement was filed nor was the accused present. In view of the objection taken by the CBI, learned Trial Court issued non-bailable warrants against the petitioner and notice to the surety and dismissed the application seeking exemption from appearance of the petitioner.

2. The wife of the petitioner Rama Sinha had earlier filed CrI.M.C. 3557/2016 wherein on 26th September, 2016 this Court was considering the issue whether the learned Trial Court should insist for recording the statement of the petitioner as a court witness without examining the

witnesses from the list provided by the petitioner and had issued notice to the CBI and directed that till then the learned Trial Court will not insist upon the examination of the petitioner on oath as Court witness in the absence of relevant documents as the same would be meaningless nor examine the petitioner herein under Section 313 Cr.P.C. This Court also sought for the report from the learned Spl. Judge according to whom the order of this Court was not brought to his notice. Unfortunately, despite the presence of both counsels of petitioner and CBI the fact was not brought to the notice of learned Spl. Judge even on 27th September, 2016.

3. Be that as it may, considering the fact that this Court had already directed that the petitioner be not examined before the learned Trial Court, the impugned order dated 26th September, 2016 to the extent of issuing non-bailable warrants against the petitioner and notice to the surety is set aside. The petitioner was released on bail pursuant to order dated 30th September, 2016 passed by this Court which order is confirmed.

4. Petition is disposed of.

5. Order dasti.

MUKTA GUPTA, J.

DECEMBER 16, 2016

‘v mittal’