

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**Crl. Revision No.7 of 2011 (O&M)
Date of Decision: July 18, 2017.**

Inder Sain

.....PETITIONER(s).

VERSUS

Central Bureau of Investigation

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Naveen Gupta, Advocate
for the petitioner (s).

Mr. Sumeet Goel, Advocate
Retainer counsel for respondent-CBI with
Mr. S.S. Yadav, DAL, CBI.

SURINDER GUPTA, J.(Oral)

This is revision against the order dated 23.12.2010 passed by Special Judge (CBI), Haryana at Panchkula whereby request of counsel for the petitioner during examination of PW9 Joginder Singh for production of copies of the sale deed, was declined.

2. Learned counsel for the petitioner seeks permission to withdraw this revision reserving his right to address argument about relevance of testimony of PW9 in view of the objection raised by learned counsel for the accused-petitioner. He has submitted that the petitioner will confine his submission only to legal aspect of admissibility of the testimony of PW9, without challenging the impugned order.

3. Learned counsel for respondent-CBI submits that petitioner under the garb of reserving his right to challenge admissibility of evidence produced by prosecution, may not be permitted to challenge the impugned order to seek recall, review of the same.

4. Admissibility and relevance of statement of witness to prove charge framed against an accused is always a point which can be raised by the prosecution and in defence at the time of final arguments. The request of learned counsel for petitioner to this extent cannot be restricted. However, in view of submission of learned counsel for petitioner, there is no scope for apprehension as expressed by learned counsel representing CBI.

5. With above observation, this petition is dismissed as withdrawn with liberty to the petitioner to challenge legal aspect of admissibility of statement of PW9 examined by prosecution to prove the charges framed in this case.

6. It is, however, made clear that nothing contained in this order shall be interpreted as giving permission to the petitioner to assail the impugned order, which has attained finality on withdrawal of this petition.

July 18, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No