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

\+ CRL.M.C. 981/2017

DR.P DAS GUPTA ..... Petitioner

Through: Mr.A.K.Sengupta, Mr.Suraj Prakash and Ms.Deblina Sengupta, Advocates.

versus

C B I ..... Respondent

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

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

O R D E R

% **09.03.2017**

Crl.M.A.No.4084/2017 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 981/2017 and Crl.M.A.No.4083/2017 (stay)

This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioner for setting aside the order dated 25.02.2017 passed by the learned Special Judge (PC Act), CBI-I, Dwarka Courts, New Delhi whereby the application of the petitioner to re-examine DW-7 Dr. (Mrs.) Geeta Das Gupta on the limited issue of payment of advance tax made by her in the Financial Year 1999-2000 was dismissed by the Court.

Learned counsel for the petitioner has submitted that inadvertently the petitioner could not put Ex.PW-20/A3 (D-46) in the oral statement of DW-7 Dr.Geeta Das Gupta and the petitioner is not delaying nor he intends to delay the trial. Counsel for the petitioner further submits that right now the case is fixed for arguments and he will just re-examine DW-7 Dr. Geeta Das Gupta, wife of the present petitioner to this extent only and he will not utter any sentence beyond that.

Learned Spl. PP for the CBI opposes the present petition and submitted that the petitioner is intending to delay the trial as the matter is fixed for arguments and further pointed out that when these documents were already on record, it was a deliberate attempt on the part of the petitioner not to depose in the statement as alleged today and the present petition is devoid of any merit.

Since the petitioner/accused Dr. P. Das Gupta is facing trial for having disproportionate assets, the document prayed for is already on the judicial file of the Trial Court and the same could not be put in the oral statement of the wife of the petitioner inadvertently, in these circumstances, it is appropriate to allow the petitioner to re-examine DW-7 Dr.Geeta Das Gupta, wife of the petitioner to the extent of deposing on the issue of payment of advance tax paid by her in the Financial Year 1999-2000 on the next date of hearing fixed before the Trial Court and thereafter the matter shall be fixed for final arguments on the next date only to exclude the element of delay on the part of the petitioner. It is made clear that only one opportunity is given to the petitioner to re-examine DW-7 and no further opportunity shall be granted to the petitioner for this purpose on any ground.

Accordingly, the prayer is allowed and the impugned order dated 25.02.2017 passed by the learned Special Judge (PC Act), CBI-I, Dwarka

Courts, New Delhi is modified to the aforesaid extent.

The present petition is allowed and stands disposed of in the above terms.

Copy of this order be given *dasti,* as prayed.

I.S.MEHTA, J

MARCH 09, 2017
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