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

+ **CRL.M.C. 2437/2017**

JOEMOL ROYISE

..... Petitioner

Through: Mr. Ashwin Vaish and Mr. Vinod
Kumar Pandey, Advocates.

versus

STATE

..... Respondent

Through: Ms. Kamna Vohra, Additional Standing
Counsel for State with Mr. Amit Kaushik, ACP
(IO) and SI Manoj Kumar, PS: I.P. Estate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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13.06.2017

Crl. M.A. No. 9946/2017 (for exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 2437/2017 & Crl. M.A. No. 9945/2017 (for stay)

2. The challenge in this petition is to an order dated 3rd May, 2017 passed by the Special Judge, CBI-03, Delhi to the extent that in the concluding paragraph the Judge has observed that “prima facie offence u/s 13(1)(d) of the Prevention of Corruption Act, 1988 would also be attracted against the present applicant, who is a public servant. The ACP P.S. I.P. Estate is also directed to investigate on this aspect.”

3. It is contended by learned counsel for the Petitioner that in exercise of the powers regarding grant of bail, the learned Judge could not have proceeded

to direct the police to investigate the offence under Section 13(1)(d) of the PC Act and that the said direction was without jurisdiction. He submits that this is causing grave prejudice to the Petitioner.

4. The Court is of the view that the observations in the impugned order are of a *prima facie* nature. Whether in fact a case is made out against the Petitioner under Section 13(1)(d) of the PC Act would turn on what is unearthed during investigation. Consequently, the Court does not view the directions in the impugned order as being contrary to law or being prejudicial to the case of the Petitioner. All the contentions of the Petitioner *qua* the offence under Section 13(1)(d) of the PC Act are left open to be urged at the appropriate stage.

5. The petition is dismissed.

S. MURALIDHAR, J
(Vacation Judge)

JUNE 13, 2017/dn