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

+ CRL.M.C. 4164/2016 & Crl.M.A. No.17348/2016

D C SANKHLA

..... Petitioner

Through: Ms.Rebecca John, Sr. Adv. with
Mr.Gagan Minocha, Ms.Meghna
Sankhla, Mr.Kusheed Gaur and
Ms.Nicy Paulson, Advs.

versus

C B I

..... Respondent

Through: Mr.Narender Mann, SPP for CBI with
Mr.Manoj Pant, Adv.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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19.09.2017

This is a petition under Section 482 Cr.P.C seeking quashing/setting aside of the impugned order dated 06.09.2016 passed by the learned Special Judge (PC Act) (CBI):02, Delhi in CC No. 532249/2016.

Learned senior counsel for the petitioner has submitted that the Court below vide impugned order dated 06.09.2016 disallowed the application for cross examining and confronting the Investigating Officer with his previous version as contained in the Report/Compilation prepared and sent by the CBI to the Competent Authority for grant of sanction. Learned senior counsel for the petitioner has further submitted that Ex.PW-7/DA, Ex.PW-7/DB & Ex.PW-7/DC need to be put to PW-63 Sh.K.N.Tiwari who is the investigating officer of the case and the Court below in the impugned

order dated 06.09.2016 has stated that these exhibits need not be put to the witness and prays that the impugned order dated 06.09.2016 be set aside.

Learned SPP for CBI has submitted that as per Section 145 of the Indian Evidence Act, the previous statement or a document made by the witness previously should be put to the question and he is not the witness for contradicting and the impugned order does not require any interference and opposes the present petitioner.

PW-63 Sh.K.N.Tiwari is stated to be the investigating officer who has investigated the case and his testimony of truthfulness needs to be examined and therefore the present petition requires to be allowed. Consequently, the impugned order dated 06.09.2016 is set aside and the Court below is directed to proceed the matter in accordance with law.

The present petition is disposed of accordingly. All pending application(s) (if any) also stand disposed of.

As prayed, copy of this order be given *dasti*.

I.S.MEHTA, J

SEPTEMBER 19, 2017/sr