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

**DECIDED ON : 4<sup>th</sup> JANUARY, 2017**

+ **CRL.REV.P.827/2016 & CRL.M.A.No.20038/2016**

**RAMESH WADHERA** ..... Petitioner

Through : Mr.Rajesh Kumar, Advocate.

versus

**CBI** ..... Respondent

Through : Ms.Rajdipa Behura, SPP with  
Ms.Garima S.Yadav & Mr.Philomon  
Kani, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE S.P.GARG**

**S.P.GARG, J. (Oral)**

1. Present revision petition has been preferred by the petitioner to challenge the legality and correctness of an order dated 06.12.2016 of learned Spl.Judge, CBI whereby request of the petitioner to summon witnesses mentioned at Sl.Nos.2, 3 & 4 in the list of witnesses dated 29.02.2016 was declined.

2. I have heard the learned counsel for the parties and have examined the file. Learned counsel urged that the examination of these witnesses is essential for just decision of the case. These witnesses are required to be examined to prove that PW-50 (Kamlesh Kumar Srivastava) had independent and separate transactions beside the transactions in question with accused No.1 Rajesh Kumar. Their testimonies are relevant to rebut the conspiracy charges levelled against the petitioner. Learned counsel for CBI controverting the contentions urged that the Trial Court has already heard part arguments and tomorrow is the date for hearing further final arguments. The petitioner's intention is to delay the disposal of the case.

3. The impugned order reveals that the witnesses at Sl.No.2, 3 & 4 intended to be examined by the petitioner have already been examined by the prosecution. They were cross-examined by the petitioner. The relevant documents have already been produced by the said witnesses who are bank officials. The impugned order further notes that the presence of these witnesses is not required as they are not relevant to the defence evidence. The petitioner cannot be permitted to enter into fishing enquiry regarding the business relations between M/s. K.Company and M/s. India Fab which are separate from the facts of the present case. I find no illegality and irregularity in the impugned order. All these witnesses have already been examined by the prosecution and the bank statements relating to the issues in question have already been proved on record. Merely because PW-50 (Kamlesh Kumar Srivastava) has separate and independent dealings with the concerned banks or certain payments were made pertaining to those transactions, they cannot be asked to appear in defence to prove statements of account of those transactions which have no relevancy to the issues / charges in question. It is relevant to note that earlier an attempt was made by the petitioner to implicate PW-50 (Kamlesh Kumar Srivastava) as an accused by moving an application under Section 319 Cr.P.C. which was dismissed by the Trial Court vide order dated 23.09.2016.

4. The revision petition lacks merits and is dismissed. Pending application also stands disposed of.

**(S.P.GARG)**  
**JUDGE**

**JANUARY 04, 2017 / tr**