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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 10th July, 2018

\+ CRL.M.C. 2555/2018 & Crl.M.A. 9080-82/2018

SUBODH GUPTA & ORS ..... Petitioners

Through: Mr. Harsh Kumar Sharma, Ms. Vaibhavi Sharma, Mr. Pratik Gaur, Mr. Rohit Gaur, Mr. Pulkit jain & Mr. Vivek Punia, Advs.

versus

CBI & ANR ..... Respondents

Through: Mr. Sanjeev Bhandari, Spl. PP for CBI along with Mr. Prateek Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. By order dated 27.02.2015 on the file of criminal case (CC No. 132/01) registered on the basis of report under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) submitted on conclusion of investigation by the respondent/CBI in RC no. 1 to 3 (E)/98CBI/SIU-IX/New Delhi, the Special Judge under Prevention of Corruption Act rejected the contention of the petitioners that he did not have the territorial jurisdiction to deal with the case and also found sufficient grounds to put the petitioners, and other co-accused, on trial on charge for offences punishable under Section 120B read with Section 409/420/467/468/471,477A and 201 IPC and Section 13 (2)

read with Section 13 (1) (c) & (d) of the Prevention of Corruption Act, 1988.

2. The petitioners, by the present petition, seek quashing of the said proceedings primarily on the ground that Punjab National Bank, which is the complainant herein had entered into one time settlement and, therefore, the further prosecution on criminal complaint is uncalled for, challenge also being made to the continuation of the proceedings before the Special Judge, Delhi on the ground that he did not have the jurisdiction.

3. During the course of hearing, however, it was brought out that the criminal case in which the impugned order was passed has already reached the stage of final adjudication, the evidence for the prosecution having been recorded, the petitioners and the co-accused who are facing the said trial as accused having been examined under Section 313 Cr. PC and the stage of defence evidence also since concluded, the case being ripe for final submissions to be heard for which the matter is coming up before the court of the Special Judge within this month, this position having been brought out by the co-accused in their separate petitions – Crl. M.C. Nos.3779/2015 and 1049/2017 – which were also listed today and have been disposed of by a separate order.

4. A perusal of the impugned order passed by the Special Judge on 27.02.2015 reveals that the issue of jurisdiction has been considered but rejected, in view of this court rightly so, with reference to the evidence presented with the charge-sheet by the prosecution revealing

that though a substantial part of the incriminating acts of commission or omission were indulged in by the accused persons in Agra, Uttar Pradesh, the demand drafts statedly forged were presented in Delhi for securing wrongful gain. This, by itself, is sufficient to reject the argument of lack of jurisdiction in the court of the Special Judge at New Delhi. The plea to this effect, thus, was rejected by the trial court through the impugned order passed at the stage of framing of charge for sound reasons.

5. The one-time settlement with the concerned bank wherein the petitioners may have discharged their civil liability is no reason to put an end to the prosecution for the aforementioned offences in as much as it is not a private dispute between two individuals. The case involves economic offences having a bearing on the financial and economic well being of the State with implications that go beyond the domain of civil dispute between private parties and, therefore, not a case where this court ought to exercise its inherent power under Section 482 Cr. PC. [see *Parbatbhai Aahir Vs. State of Gujarat, (2017) 9 SCC 641*].

6. For above reasons, the petition and the applications filed therewith are dismissed.

R.K.GAUBA, J.

JULY 10, 2018
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