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

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Judgment delivered on: 25.04.2018

+ CRL.M.C. 2142/2018

JASBIR SINGH CHAWLA

..... Petitioner

versus

C B I

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Abhas Mishra, Advocate with petitioner in person.

For the Respondents : Mr. Nikhil Goel with Ms. Gurpreet Hora and Mr. Ashutosh Ghade, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

25.04.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.7647/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 2142/2018 & Crl.M.A.7646/2018 (stay)

1. The petitioner impugns order dated 19.03.2018, whereby the application of the petitioner seeking summoning of the concerned clerk/official from the office of the Zonal Manager, Punjab & Sind Bank with the file of the prosecution with regard to grant of sanction

has been declined.

2. Learned counsel for the petitioner submits that the production of the file is necessary to show that there was no application of the mind at the time when the sanction was granted and there was no material before the sanctioning authority to grant sanction.

3. The Trial Court has declined to accept the application on the ground that the sanctioning authority had appeared as a prosecution witness being PW4 Gajinder Singh and was cross-examined at length. At the point of time when the said witness was in the witness box and was cross-examined, production of the file was not sought by the petitioner. The Trial Court was of the view that no purpose would be served in mere production of the file when no witness would be produced to depose or prove the contents of the file.

4. The Trial Court further records that PW4 Gajinder Singh – Sanctioning Authority was not put any question in his cross-examination regarding any specific document being perused by him before grant of sanction. The Trial Court has noticed that PW4 Gajinder Singh has specifically mentioned that he had gone through the entire documents and after applying his mind accorded sanction. Further, the Trial Court has noticed that, at this stage, mere production of documents, without the same being proved and without being put to the sanctioning authority, would not assist the Court in any manner, while appreciating the issue with regard to grant of sanction and

further that the application appeared to be a move to delay the proceedings.

5. I find no infirmity in the view taken by the Trial Court, as noticed above.

6. In view of the above, I find no merit in the petition. The petition is, accordingly, dismissed.

7. It is, however, clarified that this order would not amount to any expression of opinion on the merits of the sanction order.

SANJEEV SACHDEVA, J

APRIL 25, 2018
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