

\$~62

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

%

Judgment delivered on: 12.02.2018

+ **CRL.M.C. 2773/2012**

KETAN DESAI

..... Petitioner

versus

CENTRAL BUREAU OF INVESTIGATION..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sudhir Nandrajog, Senior Advocate with Mr
Yoginder Handoo and Ms Bhawani Gupta.

For the Respondent : Mr.Sanjeev Bhandari, SPP for CBI.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

12.02.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.19839/2017(exemption)

Allowed, subject to all just exceptions.

**Crl.M.A.19838/2017(bringing on record application filed by CBI)
& CRL.M.C. 2773/2012**

1. The petitioner, by this application, seeks to place on record the application filed by respondent – Central Bureau of Investigation (CBI) before the Special Court, Lucknow as well as the order dated

21.09.2015 passed by the Special Judge, CBI, dropping the proceedings against the petitioner till receipt of prosecution sanction under Section 197 of the Code of Criminal Procedure (Cr.P.C.) and further directing that if such a sanction is received, the trial would re-commence.

2. Learned Special Public Prosecutor appearing for the CBI has filed a status report dated 27.11.2017, wherein it is stated as under:-

“1. That with regard to the averments made in paras of the application, it is submitted that a charge-sheet was filed under Section 120-B IPC & Sections 7, 8, 10, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 against the petitioner and others.

2. In view of the allegations, facts and evidence emerged during the course of investigation, sanction from competent authority under Section 197 Code of Criminal Procedure, 1908, and/or under Section 19 of the Prevention of Corruption Act, 1988, requires to be obtained in accordance with law.

3. That the respondent most respectfully submits that respondent CBI filed application before Ld. Special Judge, CBI, Lucknow (CC No.7/2012) and the Ld. Special Judge, CBI, Lucknow was pleased to drop the proceeding till the receipt of sanction against the accused named petitioner herein.

4. In view of the above, it is humbly prayed that this Hon'ble Court may be pleased to dispose of the petition with the liberty to the respondent CBI to obtain the sanction under Section 197 of the Code of Criminal Procedure, 1908, and/or under Section 19 of the

Prevention of Corruption Act, 1988 in accordance with law in relation to the petitioner and reserving the legal rights of the respondent CBI to revive the proceedings against the petitioner in C.C.No.11/12 (R.C.No.2A-1010-CBI-ACU-IX, New Delhi registered under Section 120B IPC & Sections 7, 8, 10, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988), before the concerned Ld. Special Judge, CBI Court, Patiala House Courts, New Delhi, by way of application and/or supplementary chargesheet.

5. Pass any such other order which this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case in favour of respondent –CBI.”

3. In view of the above, the proceedings initiated against the petitioner are dropped till sanction is received either under Section 197 Cr.P.C. or Section 19 of the Prevention of Corruption Act, 1988, in accordance with law.
4. On receipt of such sanction, the trial would re-commence against the petitioner.
5. In view of the above, the present proceedings are disposed of.
6. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 12, 2018/‘§n’