

\$~75

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

+ **CRL. REV.P. 232/2015**

**S K MITTAL**

..... Petitioner

Through **Mr. Arjun Dewan, Adv.**

versus

**C B I**

..... Respondent

Through **Mr. Narender Mann, Spl. PP with Mr.  
Manoj Pant, Adv. for CBI**

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

**%**

**03.08.2018**

**Crl. M.A. 29168/2018 (withdrawal of petition)**

1. By this application, the petitioner seeks leave to withdraw the petition. The petitioner had filed criminal revision petition impugning order on charge dated 24.03.2015 and order framing charge dated 31.03.2015.

2. Learned counsel for the petitioner submits that one of the grounds raised by the petitioner is with regard to the grant of sanction and validity thereof. It is submitted that by the impugned order, the trial court had held that since the issue of grant of sanction/validity thereof had already decided by order dated 19.12.2014, the petitioner was not entitled to challenge the same afresh.

3. Learned counsel for the petitioner submits that after impugned

order, evidence has been led by the parties and the prosecution has even led evidence on the issue of accord of sanction. He submits that he would like to raise the issue of grant of sanction/validity thereof accorded at the time of addressing final arguments.

4. Learned Spl. PP appearing for CBI concedes that evidence has been led by the prosecution on the issue of grant of sanction and validity thereof.

5. Since prosecution has admittedly led evidence on the issue of grant of sanction and validity thereof, I am of the view that an objection, if available in law, as to validity and accord of sanction can be at the time of final hearing.

6. Accordingly, the application is allowed. Criminal revision petition is taken up for hearing today. The next date i.e. 04.309.2018 is cancelled.

**CRL. REV.P. 232/2015**

7. In view of the order passed in Crl. M.A. 29168/2018 as well as the submission of the learned counsel for the petitioner, the petition is dismissed as withdrawn reserving the liberty of the petitioner to raise a challenge to the grant of sanction and validity thereof, if available in law, at the stage of final hearing.

8. In view of the above, interim order dated 19.05.2016 passed by this court is vacated. Trial court record be transmitted back to the trial court through a special messenger so that the same reaches the trial

court before 06.08.2018, the date before the trial court.

9. The petition is disposed in the above terms.

10. Order *Dasti* under signatures of the Court Master.

**SANJEEV SACHDEVA, J**

**AUGUST 03, 2018**

***'rs'***