

\$~9

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

+ **CRL.M.C. 2900/2016**

A K MISHRA

..... Petitioner

Through: Mr. K.K. Rai, Sr. Adv. with Mr.
Rajesh Kumar & Mr. S.N. Maurya,
Advs.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Ms. Rajdipa Behura, SPP for CBI
with Mr. Philomon Kani, Ms. Kriti
Handa, Ms. Hansika Sahu & Ms.
Damini K. Advs.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

05.09.2018

On the basis of report under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C) pursuant to investigation into first information report (FIR) registered as RC-DAI-2007-A-0025/CBI/ACB/New Delhi of Central Bureau of Investigation (CBI) prosecution in three cases is stated to have been launched, they having been registered in the court of Special Judge as CC No. 16/11, 153/15 and 154/15. Charge concededly was framed in the first said case, petitioner being an accused in each of them. The petitioner had moved an application seeking joint trial of the three cases on the contentions that they have arisen out of the same FIR and pertains to the same set of transaction. The said prayer was resisted by CBI. The Special

Judge declined the said request by order dated 10.02.2016 which is impugned by the petition at hand. It may be noted that the petitioner relies primarily on the provisions contained in Sections 219 and 220 Cr.P.C. in support of his prayer, the contentions of CBI being to the contrary.

During the course of hearing, it was brought to light that the question of charge in the second and third above-mentioned cases i.e. CC Nos. 153 and 154 of 2015 is yet to be considered and adjudicated upon by the court of Special Judge.

Against this backdrop, the petitioner's counsel, after taking instructions, submitted that he may be permitted to withdraw the present petition and be given liberty to re-agitate the request for joint trial of the three cases after the question of charge has been considered by the Special Judge in the two said cases.

The counsel for CBI leaves the matter to the discretion of the court.

The petition is dismissed as withdrawn. The petitioner will have the liberty to move a fresh application before the Special Judge for joint trial after the question of charge has been considered in the above-mentioned cases.

R.K.GAUBA, J.

SEPTEMBER 05, 2018

nk