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

+ CRL.M.C. 3165/2016 and Crl.M.A.13564/2016 (stay)

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..... Petitioner

Through: Mr. Philomon Kani, Advocate

versus

MANISH PURI

..... Respondent

Through: Mr. Anshul Sharma, Adv. with
Mr. Arun Khatri, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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17.08.2018

Taking exception to the seizure of the bank locker of the respondent by the petitioner Central Bureau of Investigation (CBI) during investigation of the case – RC No.16(A)/2016/ACB/New Delhi, the Special Judge (Prevention of Corruption) first issued a show cause notice by order dated 20.05.2016 and thereafter by order dated 02.06.2016 issued general directions that the CBI would not conduct the search of the locker nor freeze any bank account without prior permission of the court. Taking exception to this, the present petition was filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.).

The general directions of the Special Judge were uncalled for in view of the provision contained in Section 102 Cr.P.C., relating to the power of investigation, search and seizure, of properties suspected to be stolen or which had been found under circumstances creating suspicion of

commission of any offence, as indeed in view of the law declared by the Supreme Court in *State of Maharashtra vs. Tapas D. Neogy*, 1999 (7) SCC 685.

The petition is thus allowed.

The impugned directions are hereby set aside.

Pending application also stands disposed of.

AUGUST 17, 2018

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R.K.GAUBA, J.