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

+ **CRL.M.C. 3251/2016 & CRL.M.A. 13879/2016**

ASHOK GOENKA & ORS

..... Petitioners

Through: Mr. Varun Gupta & Mr. Tarun
Sharma, Advs.

versus

STATE (CBI)

..... Respondent

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

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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12.09.2018

The petitioners are facing prosecution in the criminal case (CC no. 39/2011) in the court of Special Judge (Prevention of Corruption Act) on the basis of report under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) submitted by respondent Central Bureau of Investigation (CBI), upon conclusion of investigation in case FIR No R.C. No. 2 (E)/2006/EOW-II/New Delhi dated 31/05/2006, police station CBI/EOW-II/New Delhi. The documents filed with the petition themselves show that the petitioners were put on trial, along with two officials of Punjab National Bank, on charges framed on 22.09.2012, *inter alia*, for the offence under Section 120 B read with Section 420 of Indian Penal Code, 1860 (IPC) and section 13 (2) read with Section 13 (1) (d) of Prevention of Corruption Act, 1988 and separate substantive charge for offence under Section 420 IPC.

The petition at hand invoking the inherent power and jurisdiction of this Court under Section 482 Cr.P.C. was filed in September, 2016 primarily on the submission that the claim of Punjab national Bank (second respondent) which was the aggrieved party, had been amicably resolved, *inter alia*, through the process of Debt Recovery Tribunal where some proceedings have been simultaneously taken out, the prayer of the petitioners being for the criminal action to be quashed.

When the matter was taken up learned counsel appearing for CBI submitted that the criminal case, in the meanwhile, has reached almost final stages, prosecution evidence having been concluded, the case being at the stage of evidence of the accused persons under Section 313 Cr.P.C.

At this stage, the learned counsel for the petitioners submitted, on instructions, that he may be permitted to withdraw the present petition, petitioners reserving their contentions set out in the petition to be agitated before the trial court at the stage of final adjudication.

The petition and the pending application are dismissed as withdrawn.

R.K.GAUBA, J

SEPTEMBER 12, 2018

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