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

+ CRL.M.C. 4957/2018

RAJ NARAYAN YADAV

..... Petitioner

Through: Mr. Mahabir Singh, Sr. Adv. with Mr.
Vedant Singh, Mr. Michelle Ishita
Gomes & Mr. Gagan Deep Sharma,
Advs.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Mukesh Kumar, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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27.09.2018

The petitioner has been summoned as accused on the basis of report under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) submitted on conclusion of investigation into first information report (FIR) No. 176/2012 of Economic Offences Wing involving offences punishable under Sections 420/468/471/120B/201 of Indian Penal Code, 1860 (IPC). The petitioner feeling aggrieved by the issuance of process against him on the basis of such report has come up before this Court invoking the inherent power and jurisdiction of this Court under Section 482 Cr.P.C. arguing that he is wrongly involved only because there is material to show that he was beneficiary of the impugned transaction. It is noted that the prosecution is sought, *inter alia*, on the charge of criminal conspiracy.

In the given facts and circumstances, there is no reason why the normal course should be followed where such contentions are urged before the criminal court which is to hold the trial at the stage of consideration of charge. The questions raised also include questions of facts which cannot be properly or effectively addressed in the jurisdiction under Section 482 Cr.P.C. [*Rajiv Thapar and Ors. Vs. Madan Lal Kapoor, (2013) 3 SCC 330*]

The petition is dismissed. The petitioner has the liberty to urge the contentions set out in the petition at hand before the trial court at the time of consideration of charge.

R.K.GAUBA, J.

SEPTEMBER 27, 2018

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