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

+ **W.P.(CRL) 3266/2018 & CrI. M.A. No. 34878/2018**

D N KADIAN Petitioner
Through: Mr. Rajesh Tyagi, Advocate.

Versus

THE STATE THROUGH: CBI Respondent
Through: Ms. Rajdipa Behura, Special Public
Prosecutor and Ms. Kriti Handa, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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29.10.2018

This petition seeks quashing of observations passed in an order 21 years ago. There is no explanation for the petitioner having woken up like the fabled Rip Van Winkle. He could have well woken up a quarter of century later. The Court finds no reason to entertain this petition on the ground of delay itself. However, the learned counsel for the petitioner submits that the observations against the petitioner create stigma against him, therefore, the case be taken up on merits.

Ms. Rajdipa Behura, the learned Special Public Prosecutor for CBI submits that the petition is not only frivolous but also misconstrued because after the retirement of the petitioner, a fresh chargesheet was issued against him but at the stage of framing of charges itself, he was discharged in the subsequent proceedings as well. She submits that in the circumstances, the petitioner would have no occasion or grievance to file this petition as the latter order will prevail.

In the aforesaid circumstances, the Court finds that the petition is not maintainable on merits as well apart from it being delayed and laches.

Accordingly, it is dismissed.

NAJMI WAZIRI, J.

OCTOBER 29, 2018

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