

\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5034/2017**

CENTRAL BUREAU OF INVESTIGATION..... Petitioner

Through : Ms Rajdipa Behura, SPP with
Mr Philomon Kani, Ms Kriti Handa,
Ms Hansika Sahu and Ms Damini K.,
Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ORS..... Respondents

Through : Mr Akshai Malik, APP.
Mr Aviral Mittal, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

08.01.2018

1. The petitioner – Central Bureau of Investigation had filed the present petition being aggrieved by the order dated 16.11.2015, whereby the Trial Court had directed the petitioner to file separate affidavit of every official mentioned in paragraph 2 of the application seeking condonation of delay, to explain whether they were aware of law of limitation and the limitation provided to file Revision Petition.
2. By order dated 01.12.2017 passed in this petition, this Court had declined to grant a stay of the said order.
3. Aggrieved by the order dated 01.12.2017 passed in this petition

declining to stay the direction of the Trial Court, the petitioner had filed the Special Leave Petition being SLP(Criminal) Diary No.42567/2017, which was disposed of by the Supreme Court on 29.12.2017 with the following direction:-

“We have perused the impugned order. In our opinion, it would be suffice at this stage if we direct to file affidavit of A.P.P., P.P.and Director (Prosecution) where most of the time appears to have been consumed. The direction to file affidavits of each and every officer by the CBI Court at this stage could not be insisted.

As the matter is pending before the High Court, we are not inclined to make further interference. The High Court will have to consider the matter. Accordingly, this Special Leave Petition stands disposed of.’

4. Learned counsel appearing for the petitioner submits that the order of the Supreme Court directing filing of an affidavit of the Additional Public Prosecutor, Public Prosecutor and Director (Prosecution) has been complied with.

5. The order dated 16.11.2017 had directed the Central Bureau of Investigation (CBI) to file separate affidavits of every official mentioned in the application seeking condonation of delay. The Supreme Court by its order dated 29.12.2017 has modified the said order and directed the A.P.P., P.P.and Director (Prosecution), where most of the time appeared to have been consumed, to file their affidavit. It also held that the direction to file affidavits of each and every officer by the CBI Court at this stage could not be insisted. The said direction has already been complied with by the Petitioner.

6. In view of the above, no further orders are called for in this petition. The Petition is accordingly disposed of.

7. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 08, 2018/“sp’