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

+ **W.P.(C) 5183/2019 & CM APPL. 44815/2019**

N. NARASIMHAN

..... Petitioner

Through Mr V. Shekhar, Senior Advocate with
Mr R.K. Singh, Mr Deepa Rai and Ms Mrigank
Shekhar, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr Amit Mahajan, CGSC with Mr Arjun
Dev, Mr Saud Ahmad, Joint Director SFIO for
R1 and R2.

Mr Robin R. David, Mr Febin Mathew and Mr
Dhiraj Phillip, Advocates for R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.10.2019

CM APPL. 44815/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

REVIEW PET. 425/2019

3. The petitioner has filed the present petition seeking review of the the order dated 14.05.2019.
4. Mr V. Shekhar, learned Senior Counsel appearing for the petitioner has restricted his relief to seeking review of the observations made in paragraph 15 of the said order. Paragraph 15 of the said order is set out

below:-

“15. Insofar as the challenge to the SFIO report is concerned, learned counsel appearing for the petitioner fairly states that the petitioner reserves its right to contest the same in an appropriate proceeding and this Court is not called upon to examine on the same.”

5. Mr Shekhar contends that he does not seek to reserve any liberty to challenge the report of SFIO.

6. This Court is unable to appreciate the aforesaid contention. The learned counsel appearing for the petitioner had sought liberty to assail the finding before SFIO and this Court found no reason to deny the same considering that SFIO has already filed a criminal complaint arraying the petitioner as an accused. Granting liberty does not mean that the petitioner is compelled to advance any contention or avail of any remedy, it only enables the petitioner to do so.

7. The observations made by this court in Paragraph 15 of the order dated 14.05.2019 only clarify that the said order would not preclude the petitioner in taking such steps to assail the findings of SFIO; however, if the petitioner does not wish so, there are no affirmative directions compelling him to do so.

8. Mr Shekhar submits that the petitioner seeks to challenge the findings of SFIO, as set out in its report, in these proceedings. First of all, no submissions in this regard were advanced when the petition was heard. Secondly, judicial review on merits of such findings is impressible. And thirdly, SFIO has already filed a complaint and the petitioner has due opportunity to contest the same.

9. In view of the above, the contentions advanced by Mr Shekhar are

bereft of any merit. This Court finds no ground to review the present petition. The same is dismissed. The pending application is also disposed of.

VIBHU BAKHRU, J

OCTOBER 17, 2019

pkv