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

+ **W.P.(C) 5754/2019**

ASHISH SURESH JOBANPUTRA

..... Petitioner

Through: Mr Rajiv Nayyar, Senior Advocate
with Mr Siddharth Aggarwal, Mr
Kotla Harshvardhan, Ms Manjira
Dasgupta, Ms Sugandha Batra, Ms
Mansi Sood, Mr Yuvraj Thakore and
Mr Nikhil Pillai, Advocates.

versus

NATIONAL CENTRAL BUREAU (INTERPOL) Respondent

Through: Mr Anupam S. Sharrma, SPP, CBI
with Ms Apoorva Ahuja and Mr
Prakash Airan, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.05.2019

CM APPL. 25086/2019

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 5754/2019 and CM APPL. 25085/2019

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(a) Issue an appropriate writ, order or direction, in the nature of *mandamus*, directing the Respondent to withdraw its request for the issuance of the Red Corner Notice dated 23rd February, 2016, bearing Control No. A-1397/2-2016 and File No. 2016/10849 and Red Corner Notice dated 19th August, 2016, bearing Control No. A-7602/8-2016 and File No. 2016/10849 against the Petitioner;”

4. It is the petitioner's case that the said request for issuance of the Red Corner Notice was without following the due process of law, as at the relevant time Central Bureau of Investigation (CBI) had not filed any chargesheet against the petitioner.
5. Be that as it may, it is now admitted that a chargesheet has been filed by CBI before the concerned Court in Ahmedabad. It is also not disputed that the petitioner neither participated in the investigation nor is appearing in the matter before the concerned Court.
6. In view of the above, this Court had pointedly asked Mr Nayyar, the learned senior counsel appearing for the petitioner whether the petitioner would undertake to join the proceedings before the concerned Court. He states that he cannot respond in the affirmative.
7. Since it is apparent that the petitioner has not joined the proceedings in this country, this Court finds no reason to entertain the present petition.
8. It is trite law that the proceedings under Article 226 of the Constitution of India are discretionary. Thus, notwithstanding the question of law sought to be raised in the present petition; this Court does not consider it apposite to exercise any discretion in favour of the petitioner, who is avoiding the process of law and is reluctant to join the proceedings in this Country.
9. The petition and the application are, accordingly, dismissed.
10. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

MAY 24, 2019/RK