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

+ **CRL.M.C. 1443/2016 and Crl.M.A.6169/2016**

CENTRAL BUREAU OF INVESTIGATION Petitioner

Through: Ms. Rajdeepa Behura, SPP for the
CBI with Mr. Philomon Kani,
Advocate

versus

M/S ENDEAVOUR SYSTEMS PVT . LTD. Respondent

Through: Mr. Amrendra Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **07.02.2019**

During the course of investigation into first information report (FIR)/RC No.DAI-2015-A-0042, under Sections 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and Section 120-B of the Indian Penal Code, 1860 of petitioner/Central Bureau of Investigation (CBI), two accounts of the respondent company, they being current account no.00841011000654 and account of OD against term deposit no.00845011000898, maintained with Oriental Bank of Commerce at Branch Office Wazirpur, New Delhi were frozen.

The respondent had moved the court of Special Judge seeking defreezing of the said two accounts. Its prayer was granted by order dated 05.04.2016, which order was challenged by CBI through the petition at hand, directions of the court of Special Judge by order dated 05.04.2016 for

defreezing said accounts having been stayed by order dated 18.04.2016. The said interim order has continued to operate till date.

It is fairly conceded by the learned counsel representing the respondent that the investigation of the above mentioned FIR has since been completed by CBI and report (charge sheet) under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) has been submitted on which cognizance has also been taken by the special Judge. He also fairly conceded, as is submitted by the special public prosecutor for CBI, that allegations have been made and prosecution sought on the basis of evidence presented in the said charge sheet regarding offences concerning the use of the above mentioned accounts.

Against this backdrop, the counsel for the respondent submitted that he does not presently press for defreezing of the above mentioned accounts in terms of the order dated 05.04.2016 of the special Judge, his application to that effect which was granted by the special court required to be treated as withdrawn, though he seeking liberty to move the court of special Judge afresh after the question of charge has been considered, the case being ripe for such purposes.

Against the above backdrop, with the consent of both the parties, the impugned order dated 05.04.2016 of the special Judge directing the above mentioned two accounts to be defreezed is set aside and vacated and the application dated 27.02.2016 of the respondent is dismissed as not pressed. However, the respondent would have the liberty to apply for such relief afresh before the court of special Judge after the question of charge has been

considered and adjudicated upon.

The petition and the application filed therewith stand disposed of in above terms.

R.K.GAUBA, J.

FEBRUARY 07, 2019

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CRL.M.C. 1443/2016

Page 3 of 3