

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 04, 2019

+ **CRL.M.C. 2118/2017 & CrI.M.As. 8711/2017, 12176/2017**
+ **CRL.M.C. 3569/2017 and CRL.M.As.14525-14527/2017 & 16730/2017**

RAJESH KUMAR PANDEY Petitioner
Through: Mr. Bankim Kulshreshtha and
Mr. Attar Singh, Advocates

Versus

CENTRAL BUREAU OF INVESTIGATION Respondent
Through: Mr. Sanjeev Bhandari, SPP for
CBI with Mr. Prateek Kumar,
Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR
ORDER
(ORAL)

In the above captioned first petition, challenge is to impugned order of 7th April, 2017 which rejects petitioner's application for further investigation. Similar application of petitioner in connected case stands dismissed by the trial court vide order of 13th July, 2017, which is assailed in the above captioned second petition.

With the consent of learned counsel for the parties, the above captioned two petitions have been heard together and are being disposed of by this common order.

Learned counsel for petitioner submits that after recall of Investigating Officer (PW-41) and Mr. V.K. Narang, Chief Manager of

UCO Bank (DW-1), it has come to light that petitioner had over draft facility in the bank to tune of ₹23,34,000/- and that the affidavit filed by Chief Manger of UCO Bank was fabricated and false and so, it is submitted that further investigation in this regard needs to be carried out.

The challenge to the impugned order in the above captioned second petition is that Mr. M.B. Jain, then Chief Manager of UCO Bank ought to have been made accused because without his endorsement, no transaction could take place. It is pointed out that affidavit of 20th October, 2010 of Mr. V.K. Narang was placed on record by petitioner because this affidavit came on record in some proceedings before the Debt Recovery Appellate Tribunal in the year 2017. So, it is submitted that further investigation in respect of affidavit of 20th October, 2010 of Mr. V.K. Narang needs to be carried out.

On the contrary, learned counsel for CBI supports the impugned order and submits that there is no merit in these cases and these petitions ought to be dismissed. It is also pointed out that petitioner's similar application already stands dismissed.

Upon hearing and on perusal of the impugned orders and the material on record, I find that petitioner is facing trial in a cheating case and when the case is at the final stage, applications have been filed by petitioner's counsel for further investigation. This Court is of the considered opinion that petitioner's application, which has already been dismissed by the trial court, is misconceived, as no further investigation is required to be directed at the final stage. Relevantly, trial of this case has already lingered on for twenty three years and the case is now listed

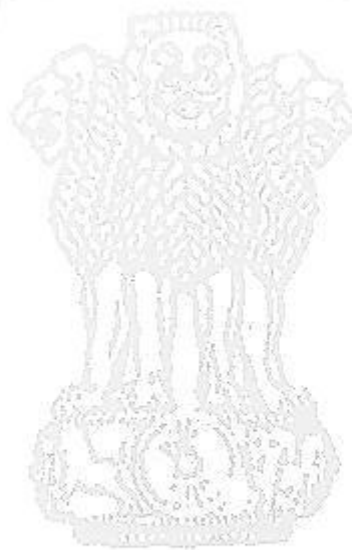
before trial court for final arguments. It is apparent that by filing such frivolous applications, petitioner is just trying to delay the outcome of trial.

Finding no infirmity in the impugned orders, both the petitions and applications are dismissed while not commenting on merits and by refraining to impose the exemplary costs.

(SUNIL GAUR)
JUDGE

FEBRUARY 04, 2019

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