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

+ CRL.REV.P. 485/2017 & CrI. M.A. 10813/2017, 10815/2017

SANJIV KUMAR Petitioner

Through Petitioner in person.

versus

CBI & ORS Respondents

Through Mr. Ripu Daman Bhardwaj, Spl. PP
for CBI

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **24.05.2019**

1. Petitioner impugns order dated 24.03.2017 whereby the trial court allowed the application of the respondent under Sections 311 Cr. P.C. and recalled Mr. R.K. Sharma for fresh examination.

2. Petitioner who appears in person submits that Mr. R.K. Sharma was sought to be recalled to depose on facts on which he had already deposed in another proceedings bearing No. RC No. 2-A/2004 which was then pending in Special CBI Court at Chandigarh.

3. Learned counsel appearing for respondent-CBI submits that the present petition has become infructuous, in as much as, during pendency of these proceedings Mr. R.K. Sharma was examined by the trial court and an opportunity to cross-examine was also granted to the petitioner and thereafter his evidence was concluded and he already

stands discharged.

4. The petitioner appearing in person submits that in RC No. 2-A/2004, he has already been acquitted by giving him benefit of doubt by the Special CBI Court at Chandigarh and the said Court has adversely commented upon the evidence given by Mr. R.K. Sharma in those proceedings. He submits that he seeks to rely on the judgment in RC No. 2-A/2004 passed by the Special CBI Court at Chandigarh.

5. Learned counsel for the respondent-CBI submits that an appeal has been preferred against the said judgment, which is pending before High Court for Punjab & Haryana at Chandigarh.

6. Under section 57 of the Indian Evidence Act, 1872, courts have to take judicial notice of orders/judgments passed by Courts in India.

7. If a certified copy of the judgment in RC No. 2-A/2004 passed by the Special CBI Court at Chandigarh is produced by the petitioner even at the time of final arguments, the court is bound to take the same into account. However, the effect of pendency of the appeal against the said judgment and what weightage is to be given to the same is left to the trial court to decide.

8. Petitioner seeks leave to petition.

9. In view of the above, the petition is dismissed as withdrawn with liberty to the petitioner to place the certified copy of the judgment passed by the Special CBI Court in RC No. 2-A/2004 before the trial court at the time of final hearing.

10. It is clarified that this court has neither considered nor commented on the validity or otherwise of the judgment in RC No. 2-A/2004 passed by the Special CBI Court at Chandigarh. All rights and contentions of the parties are reserved.

11. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 24, 2019

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