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

+ CRL.REV.P. 841/2018 & CRL.M.A. 33116/2018

SH BRAHM PRAKASH

.....Petitioner

Through: Mr. Shiv Bhatt and Ms. Kumkum
Bhatt, Advocates

Versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Rajdipa Behura, Special Public
Prosecutor with Mr. Philomon
Kani and Ms.Damini K.,
Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
03.05.2019

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Petitioner is facing trial for the offence under Sections 120B r/w 420,468, 471 of IPC and 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988 in FIR No. RC/DAI/2008-0055 registered at police station Central Bureau of Investigation.

Vide impugned order of 27th August, 2018, petitioner's application for discharge has been dismissed while dealing with the sanction aspect.

Learned counsel for petitioner submits that the recording of prosecution evidence is almost over and the sanctioning authority in the cross-examination has diluted the prosecution version. This is disputed by learned Special Public Prosecutor for respondent-CBI.

In the facts and circumstances of this case, this court find that the sanction aspect and the pleas taken by petitioner herein are not required to

be re-examined as the recording of evidence is almost complete.

Accordingly, this petition is disposed of while granting liberty to petitioner to take the pleas taken herein before the trial court at the stage of final arguments. It is made clear that the impugned order will not stand in the way of trial court to independently examine the sanction aspect and the other pleas raised by petitioner at the stage of final arguments.

With aforesaid observations, this petition and the application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 03, 2019

v