

CRM-M-55537-2019

Date of Decision : January 16, 2020

Amresh Jain

.....Petitioner

Versus

CBI, Chandigarh

..Respondent

Present : Mr. Hemant Bassi, Advocate
for the petitioner.

Mr. Sumeet Goel, Standing Court for the CBI.

ARVIND SINGH SANGWAN, J. (Oral)

The only prayer in this petition is to issue a direction to the trial Court/Special Judge, CBI, S.A.S. Nagar, Mohali to decide the application dated 18.1.2010, expeditiously, which is pending since long.

Counsel for the petitioner further submits that on 24.8.2009 in SLP No.4406 of 2009, the Hon'ble Supreme Court passed the following order:-

“We are not inclined to entertain the Special Leave Petition, and the same is accordingly dismissed.

We make it clear that the question of sanction is left open for the petitioner to agitate at the time of trial.”

Thereafter, the petitioner has filed another petition, i.e. CRM-M-7387-2015, which was decided on 26.9.2018 by this Court by making the following observations:-

“It is, however, observed that as the trial is pending and charge has been framed in this case in the year 2006, therefore, learned trial Court is directed to expedite the trial and cross-examination be got completed without giving any further adjournments to the defence counsel and

by adjourning the case on day-to-day basis. If any other application is filed by the accused, the same may be decided by conducting day-to-day proceedings, as per law.”

Counsel for the petitioner has submitted that at present two applications are pending, i.e. (i) the instant application in which the petitioner is seeking setting aside of the sanctioned order 28.6.2005 on the grounds taken in the application and (ii) application moved by the CBI for amendment of charge, which is also not decided.

Counsel for the petitioner, in the light of the directions dated 26.9.2018, also submits that the trial Court is required to decide the pending applications by conducting day to day proceedings, however, it is being delayed on account of the non-decision on the applications.

Learned counsel appearing for the CBI, on the basis of the interim orders passed by the trial Court, has not disputed that it was noticed by the trial Court vide order dated 23.10.2019 that the case is adjourned for deciding the applications and even the previous order reflects that the case is adjourned for arguments on the aforesaid applications.

Counsel for the petitioner has further submitted that even subsequently the petitioner has moved another application for deciding the application dated 23.2.2015, expeditiously in the light of the observations made by this Court.

In view of the above, the present petition is disposed of with a direction to the trial Court Judge/Special Judge, CBI, Punjab, S.A.S. Nagar, Mohali to dispose of all the pending applications, expeditiously, preferably within a period of 30 days from today.

(ARVIND SINGH SANGWAN)
JUDGE

January 16, 2020
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