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

+ **CRL.REV.P. 199/2019 and CRL.M.A. 3778/2019**

CENTRAL BUREAU OF INVESTIGATION Petitioner

Through: Mr Mridul Jain, SPP for CBI along
with Tajvinder PP/CBI.

versus

D N GUPTA & ORS Respondents

Through: Mr Davinder N. Grover, Mr Lakshay
Mangla and Mr Akshit Rastogi,
Advocates for R-2.
Mr Hari Krishan, Advocate for R-5 &
6.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.02.2020

1. The petitioner has filed the present petition, *inter alia*, impugning orders dated 21.01.2019 and 02.02.2019, to the limited extent that the Trial Court has imposed cost of ₹5,000/- on the learned Public Prosecutor (PP) and further directed recovery of the same from his salary.
2. The said costs had been imposed on the ground that a frivolous application was moved at the instance of the learned PP. The Trial Court had noticed that in view of the said application, precious judicial time of the court had been spent.
3. The learned PP is present in Court. He submits that although the application moved at his instance may not be merited, but his actions were *bona fide* and therefore, the levy of personal cost be waived.

4. The learned counsel appearing for respondent nos. 2 to 4 have no objection to the present petition, if allowed.
5. In view of the above and considering the statements made by the learned PP, this Court is of the view that it would be apposite to waive the imposition of the aforesaid costs.
6. Accordingly, the order dated 21.01.2019 to the limited extent that it imposes cost on the learned PP, is set aside. Consequently, the order dated 02.02.2019 directing attachment of the salary of the learned PP, to the aforesaid extent, is also set aside. However, the learned PP is cautioned to be careful in future and be cognisant of the value of judicial time.
7. The petition and the pending application are disposed of.

VIBHU BAKHRU, J

FEBRUARY 25, 2020
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