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

+ **W.P.(CRL) 1184/2020**

SARTAJ ALI

..... Petitioner

Through Mr Vijay Aggarwal, Advocate with
Mr Urfee Haider, Mr Kunal Srivastava,
Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through Mr Anupam Sharma, Spl. PP CBI with
Mr Prakarsh Airan, Mr Harpreet Kalsi, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

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05.08.2020

[Hearing held through video conferencing]

CRL.M.A. 10459/2020 & CRL.M.A. 10460/2020

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.

W.P.(CRL) 1184/2020

3. The petitioner has filed the present petition, *inter alia*, impugning a notice dated 14.07.2020 (hereafter the 'impugned notice') issued by the respondent/CBI, whereby the petitioner was directed to appear before the Additional Superintendent of Police, Central Bureau of Investigation, Economic Offences Branch on or before 25.07.2020 at its Mumbai Office. By the impugned notice, the petitioner was also directed to produce documents and provide the information as indicated in the impugned notice.

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to HMJ Vibhu Bakhru.

4. The petitioner impugns the said notice on essentially, two grounds. First, he states that he is aged above sixty-five years and therefore, in terms of the *proviso* to Section 160 of the Cr.PC, he cannot, for the purposes of inquiry, be called upon to attend any place other than the place in which he resides. And second, he submits that considering the prevalent pandemic and restrictions imposed on travelling between the cities, it is not feasible for the petitioner to travel outside Delhi.

5. The petitioner further seeks that he be questioned on video conferencing.

6. Mr Anupam Sharma, learned counsel appearing for CBI readily concedes that the petitioner cannot be called upon to travel outside Delhi. He states that even the CBI does not want the petitioner to undertake travelling to Mumbai. He further states that feasible arrangements would be made to question the petitioner at his own residence through the video conferencing facility.

7. In view of the above, the grievance of the petitioner regarding the impugned notice stands addressed and no further orders are required to be passed in this regard.

8. The petitioner further claims that he is entitled to be questioned in the presence of an advocate who will remain present at a visible distance but not within the audible range. Mr Sharma stoutly disputes that the petitioner has any right to be examined in the presence of an advocate.

9. Considering that Mr Sharma has readily agreed that the petitioner shall be questioned/examined through video conferencing and he would not be required to leave his residence, it is not necessary to decide the question whether the petitioner has a right to be question in the presence of an

advocate, who is at a visible distance but outside the audible range, at the time of questioning. All contentions of the parties in regard to this question are reserved.

10. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

AUGUST 05, 2020
pkv

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