HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 2777/2017

1. Rakesh Kumar Bansal S/o Sh. Mussadilal Bansal, House No. 2/53, Malviya Nagar, Jaipur.
2. Rashmi Bansal W/o Rakesh Kumar Bansal, House No. 2/53, Malviya Nagar, Jaipur.

----Petitioners

Versus

Union Of India, Through CBI

----Respondent

For Petitioner(s) : Mr. A.S. Rathore, through VC
For Respondent(s) : Dr. Sachin Acharya, for CBI, through VC
Mr. Madan Beniwal, P.I., C.B.I., A.C.B., Jodhpur

HON'BLE MR. JUSTICE SANDEEP MEHTA

Order

16/12/2020

Heard.

By way of this criminal miscellaneous petition under Section 482 CrPC, the petitioners herein have approached this court for assailing the order dated 19.05.2017 passed by the learned Special Judge, CBI Cases, Jodhpur in Criminal Original Case No.4/2014, whereby the application submitted on behalf of the petitioners under Section 207 CrPC seeking copies of the previous statements of Smt. Leela Bansal and Rajendra Kumar Laddha was rejected.

I have heard and considered the submissions advanced by the learned counsel for the parties and have gone through the impugned order.

Suffice it to say that Smt. Leela Bansal is not a witness cited by the prosecution and thus, the accused have no right to claim copy of statement of such a person, who is not a witness for the prosecution. So far as Rajendra Kumar Laddha is concerned, he was arraigned as an accused in the charge-sheet, but later on he turned as State's witness and was granted pardon by the trial court. His statement was recorded under Section 164 CrPC, copy whereof has indisputably been provided to the petitioner. No other previous statement of Rajendra Kumar Laddha was recorded as is evident from a perusal of the order passed by the trial court and as stated by Mr. Madan Beniwal, P.I., C.B.I., A.C.B., Jodhpur, present in the court.

In this view of the matter, the impugned order does not suffer from any infirmity, illegality or abuse of process of law warranting interference in exercise of inherent powers of this court under Section 482 CrPC. Accordingly, the instant criminal miscellaneous petition is dismissed as being devoid of merit.

(SANDEEP MEHTA),J

61-Pramod/-

RAJASTHAN HIGH COURT
सत्यमेव जयते