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

+ **CRL.M.C. 5026/2022, CRL.M.As. 20101/2022, 24355/2023**

RAJ KUMAR JAIN

.....Petitioner

Through: Mr. P.S. Singhal, Mr. S.P.Malik, Mr.
Shivam Nirbhay, Ms. Aruna Singhal
and Ms. Chhavi Jain, Advs.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Ms. Anubha Bhardwaj, SPP with Mr.
Vishal Sharma and Mr. Ujjwal
Chaudhary, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

27.08.2024

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1. Petitioner has approached this Court challenging the Order dated 09.09.2022, passed by the learned Special Judge (PC Act) Rouse Avenue Court Complex, New Delhi in RC No. 07(E)/2009/CBI/EOU-VII/NEW DELHI registered with CBI for offences under Sections 120-B/409/420/468/109 IPC read with Section 13(1)(d) & 13(2) of the Prevention of Corruption Act. The learned Special Judge by the Order impugned herein had dismissed the application filed by the Petitioner under Sections 294/311 Cr.P.C which had been filed with the following prayers:

“In the aforesaid facts and circumstances it is respectfully prayed:

That the prosecution maybe called upon to admit or deny the genuineness of the aforesaid award.

Or in the alternate it is respectfully prayed that the



clerk concerned/official concerned maybe summoned from the office of Indian Council Of Arbitration, FICCI House, Barakhamba Road, New Delhi along with the original award dated 31.05.2022 past by the aforesaid arbitral tribunal in arbitration case no. AC-1710 between STC and POL to prove the aforesaid award in the interest of justice.

Prayed accordingly”

2. This Court vide Order dated 12.10.2022, has passed the following Order:

“The petitioner vide the present petition makes the following prayers:

"A. To set aside order dated 09.09.2022 passed by the court of Ms. Niyay Bindu, Special Judge (PC Act) (CBI-13), Rouse Avenue Court Complex, - New Delhi in case titled as 'CBI VS. Raj Kumar Jain & Others, bearing RC NO. 07(E)/2009/CBI/EOU-VII/New Delhi under section 120-B,409, 420,468, read with 109IPC, read with 13(1)(d) Prevention of Corruption Act, 1988 and allow the application dated 05.07.2022 filed by petitioner/accused before Ld. Special Court by summoning the witness mentioned in the application.

B. To pass such further order(s) and/or directions as this Hon'ble Court may deem fit in the interest."

In reply to a specific Court query, the learned SPP for CBI seeks time to ascertain the aspect of veracity of the award dated 31.5.2022 in Arbitration Case No. AC 1710 titled M/s State Trading Corporation of India Ltd. Vs. M/s Priyanka Overseas Pvt. Ltd.



On behalf of the petitioner it has been submitted that in the event of the said document i.e., the Award dated 31.5.2022 of which the petitioner has placed on record before the Trial Court, certified copy thereof being admitted in terms of Section 294 of the Cr.P.C., 1973, by the CBI, the petitioner shall not lead any further evidence in relation thereto.

The matter is stated to be listed before the Trial Court for the 29.10.2022.

Renotify on 19.10.2022.”

3. A perusal of the said Order shows that the learned Counsel for the CBI had sought time to ascertain the aspect of veracity of the award dated 31.05.2022. Reply has been filed by the CBI stating that the award dated 31.05.2022 is not relevant for ascertaining the culpability of the accused persons because the arbitration was between the two co-accused persons.
4. A certified copy of the award dated 31.05.2022 has been filed. Since the veracity of the document is not questioned prayer (b) of the application filed by the Petitioner under Sections 294/311 Cr.P.C has become irrelevant.
5. The relevancy and the evidentiary value of the award will be considered at the time of trial.
6. Order dated 12.10.2022 is made absolute.
7. The Petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

AUGUST 27, 2024

Rahul