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

+ **CRL.REV.P. 982/2024, CRL.M.A. 22494/2024 (stay)**

VIVO MOBILE INDIA PVT LTD

.....Petitioner

Through: Dr. Abhishek Manu Singhvi, Senior Advocate with Mr. Siddharth Aggarwal, Mr. Vijayendra Pratap Singh, Mr. Priyank, Mr. Tanmay Sharma, Mr. Kshitiz Rao, Mr. Shivam Jain, Ms. Priyansha, Mr. Vishavjeet Singh Bhati and Mr. Harsh Yadav, Advocates.

versus

DIRECTORATE OF ENFORCEMENT

.....Respondent

Through: Counsel for respondent (appearance not given).

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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01.08.2024

CRL.M.A.22495/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.REV.P. 982/2024 (under Section 438 and 442 read with Section 528 of the B.N.S.S., 2023, for setting aside the impugned order dated 20.05.2024, uploaded on 28.05.2024, passed by the learned ASJ)

3. The Criminal Revision Petition under Section 438 and 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the petitioner for setting aside the impugned Order dated 20.05.2024, passed by the learned ASJ-04, Patiala House Courts, New Delhi



in case bearing No. CT.CASE 102/2023.

4. Learned Senior Counsel appearing on behalf of the petitioner, has submitted that the Charge-Sheet has been filed against the petitioner and the other accused, who are the Chinese residents or are based in China and some time may be taken in effecting service on the accused, who are based in China. The petitioner on service, has appeared before the trial court. The accused, who are based in China, have been directed to be served through MHA.

5. Learned Senior Counsel has an objection to the impugned Order to the extent that on oral submission of the prosecution, the trial of the petitioners has been directed to be segregated from those who are based in China. It is submitted that the learned ASJ, has passed this direction, without giving an opportunity to the petitioners, to raise their objections. Furthermore, according to the prosecution itself, the investigations are still pending as has been indicated in Supplementary Complaint dated 19.02.2024. Since the investigations are still pending, such segregation would cause serious prejudice to the petitioners. It is, therefore, submitted that such part of the impugned Order, be set-aside.

6. **Learned Special Counsels** appearing on behalf of the respondent, have taken serious objection and have asserted that the counsels for the petitioners, were present and were heard at the time of making of this Order. It is further submitted that since the service on the accused residing in China, has to be effected through Ministry of Home Affairs which takes minimum six months, it would necessarily derail and delay the entire trial, for which reason, an oral request was made which has been allowed by the learned ASJ. Such direction does not prejudice the petitioners in any



manner; rather it expedites the entire trial. It is also submitted that the investigations *qua* the petitioners, are already complete.

7. **Submissions heard.**

8. The only grievance of the petitioners, is that the segregation of their trial, has been directed by the learned ASJ without giving them opportunity of being heard. In the circumstances, the said impugned Order to the extent of giving the directions, is hereby set-aside. It is hereby directed that before considering the segregation of the trial of the petitioners, an opportunity be given to them/petitioners to be heard.

9. Learned Senior Counsel has further pointed out that there is no application moved on behalf of the Prosecution for segregation and they are not aware of the grounds on which it is sought.

10. **Learned Special Counsels** appearing on behalf of the respondent submit that the only ground on which segregation has been sought is the location of the other accused persons in China. However, they submit that they would move a formal Application stating the grounds for segregation, within one week before the learned ASJ, New Delhi, to which the Reply be given on behalf of the petitioners, within one week thereafter.

11. Be listed before the learned ASJ on the date fixed i.e. 28.08.2024 for considering this aspect of segregation and for further proceedings.

12. The Revision Petition is disposed of. The pending application also stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 1, 2024/RS