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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8297/2024 & CRL.M.A. 31711/2024**

ARVIND KUMARPetitioner

Through: Mr. Rajesh Anand,
Ms. Harleen Kaur &
Mr. Abhay Tripathi,
Advocates

versus

CENTRAL BUREAU OF
INVESTIGATIONRespondent

Through: Mr. Anurag Ahluwalia,
Advocate with SI Shah
Faisal Khan, PS New
Ashok Nagar

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
21.10.2024

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1. The present petition is filed challenging the order dated 22.05.2024 (hereafter '**impugned order**'), passed by the learned Trial Court, in CIS No. 233/2019, whereby the application filed by the petitioner under Section 91 of the Code of Criminal Procedure, 1973 ('**CrPC**'), was dismissed and the petitioner was restrained from cross-examining the Investigating Officer on the aspect of sanction.
2. The petitioner had sought directions to the Central Bureau of Investigation or the Railway Department to produce the file relating to the sanction issued against the petitioner.
3. By the impugned order, the learned Trial Court noted that on an earlier occasion, by an order dated 16.09.2017, the application seeking declaration of sanction as invalid had already



been dismissed and the challenge to the said order is pending consideration before the High Court. It was noted that in such circumstances, no such application seeking production of the case file for the purpose of defence that the sanction was invalid can be entertained.

4. The learned counsel for the petitioner submits that PW1 Sunil Kumar in his examination on 17.01.2017 had stated that the statements under Section 161 of the CrPC and the relevant documents are not available on the file now.

5. He further submits that although the prosecution had contended that the entire material was sent to the sanctioning authority, however, the deposition of the witness shows that the entire file had not been sent. He submits that the same requires to be produced in order to prove the defence that the sanctioning authority was not apprised of the entire facts.

6. The petitioner had on an earlier occasion filed an application seeking declaration of the sanction as invalid. The said application was dismissed by a detailed order dated 16.09.2017, passed by the learned Trial Court after considering the argument that the complete documents as required for consideration while granting sanction were not forwarded to the sanctioning authority. The same held to be not acceptable. Concededly, the challenge to the said order is pending consideration before this Court and is now listed for consideration on 22.01.2025.

7. Once the sanction has been held to be valid, this Court finds no infirmity in the impugned order that the petitioner is prohibited to ask any question relating to the sanction. In the opinion of this Court, the Trial Court also has not committed any error in not directing the CBI or Railway to produce the entire



file relating to the sanction when the issue in relation to the same is pending consideration before this Court.

8. The petition is without any merits and is dismissed. Pending application stands disposed of.

AMIT MAHAJAN, J

OCTOBER 21, 2024

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