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

+ CRL.M.C. 407/2018, CRL.M.A. 26871/2022

G P AGARWAL

.....Petitioner

Through: Mr. Hitain Bajaj, Mr. Zafar Ahmed,
Mr. Rajesh Tiwari, Advs.
Ms. Vivya Nagpal, Mr. Ekansh
Bansal, Advs.

versus

CENTRAL BUREAU OF INVESTIGATIONSRespondent

Through: Mr. Ripudaman Bhardwaj, SPP-CBI
with Mr. Kushagra Kumar and Mr.
Abhinav Bhardwaj, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

10.09.2024

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The present petition has been filed challenging the order dated 20.11.2017 passed by Special Judge (PC ACT) CBI-South Distt., Saket Courts, New Delhi whereby the charges were ordered to be framed under Section 13(2)/ 13 (1)(e) of Prevention of Corruption Act, 1988 and under Section 109 IPC in RC 1(A)/2003/ACU-VII/V/CBI in CC No. 1/12 & 46/2016.

Learned counsel for the CBI submits that the petitioner has already been convicted vide judgment dated 21.12.2023 and order on sentence dated 17.02.2023. Learned counsel submits that against this, the Criminal Appeal No. 248/2023 titled as *Gyan Prakash vs CBI* has already been filed before this Court. Learned counsel submits that in these circumstances, the present



petition has become infructuous.

Learned counsel for the petitioner submits that this court vide order dated 19.12.2022, while taking into account the directions of the Division Bench in *R.P.S Panwar v. Union of India* in which the petitioner is the main accused in the same matter, granted the protection that the petitioner shall not be taken into custody pursuant to the order of conviction and sentence passed by the learned Trial Court. Learned counsel for the petitioner submits that such protection may be allowed to continue.

A perusal of order dated 20.03.2023 of the Co-ordinate Bench of this Court in Criminal Appeal No. 248/2023 indicates that the Co-ordinate Bench of this Court has already extended the protection granted to the petitioner vide order dated 19.12.2022.

Since, the matter has already culminated into the conviction, the present petition becomes infructuous. However, the protection granted vide order dated 19.12.2022 shall continue till the application for suspension of sentence is heard and decided by the Co-ordinate Bench of this Court.

In view of the above, the present petition and all pending applications stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 10, 2024
JN/KR..