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

+ **CRL.L.P. 82/2021**

CENTRAL BUREAU OF INVESTIGATIONPetitioner

Through: Mr.Ripudaman Bhardwaj, Special
Public Prosecutor with Mr. Kushagra
Kumar & Mr. Himanshu Kaushik,
Advocates

Versus

SH. VIPIN KUMAR & ANR.Respondents

Through: Ms. Nusrat Hossain & Mr. Manish
Kumar, Advocates for Respondents
No.1 & 2

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **16.05.2025**

CrI.M.A. 13424/2025

1. There is delay of 225 days in filing the Criminal Leave to Appeal against the Judgment dated 27.02.2020.
2. For the reasons stated in the Application, it is allowed and delay is condoned.
3. The Application is disposed of.

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4. The present Appeal under Section 378(2) Cr.P.C. has been filed by the Petitioner- CBI against the Judgment dated 27.02.2020 passed by the learned Special Judge, CBI in CC No. 08/2019, arising out of RC No. DAI-2017-A-005, whereby the Respondents have been acquitted of the offence under Sections 120 B IPC & Sections 7 & 13(2) r/w Section 13 (1) (d) of PC



Act, 1988.

5. It is submitted that it has been erroneously observed by the learned Special Judge in the impugned Judgment that no demand was proved when infact not only the demand was proved the demand but there is presumption under Section 17 of the Act for proving the demand.

6. Secondly, the evidence has been led by the prosecution witness which has been disregarded on the ground that there are major contradictions when infact those contradictions do not go to the root of the matter and are only minor.

7. Learned Counsel for the Respondent has submitted that the testimony of the witnesses has been rightly appreciated and in light of the major contradictions it has been rightly observed that the demand was not proved, the benefit of which has been granted to the Respondent.

8. ***Submissions heard and record perused.***

9. Considering that the witnesses had deposed in favour of the prosecution though their testimony has been disregarded by observing that there are material contradictions, the Leave Petition is allowed.

10. Appeal be registered.

11. The Petition stands disposed of accordingly.

CRL.APPEAL--- (TO BE NUMBERED)

12. Be listed for arguments on 03.11.2025.

NEENA BANSAL KRISHNA, J

MAY 16, 2025

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