



\$~17 to 20

- * **IN THE HIGH COURT OF DELHI AT NEW DELHI**
- + **CRL.M.C. 2306/2020 & CRL.M.A. 16333/2020**
PYDI RAMA PRASADPetitioner
Through: Mr. Prasun Kumar, Adv.
(through VC)
versus
CENTRAL BUREAU OF
INVESTIGATIONRespondent
Through: Mr. Ripudaman Bhardwaj,
SPP with Mr. Kushagra
Kumar and Mr. Amit
Kumar Rana, Advs.
- + **CRL.M.C. 2324/2020 & CRL.M.A. 16403/2020,**
CRL.M.A. 22616/2023
P. VIJAY KUMARPetitioner
Through: Mr. Naveen Kumar, Mr.
Prabhat Kumar Rai, Mr.
Aditya Goyal, Mr.
Rishabh Chaudhary, Mr.
Ujjwal Kumar Rai, Ms.
Isha Baloni, Mr.
Shudhanshu Pathak, Mr.
Lakshay Singh and Ms.
Pragya Prachi Pandey,
Advs.
versus
CENTRAL BUREAU OF
INVESTIGATIONRespondent
Through: Mr. Ripudaman Bhardwaj,
SPP with Mr. Kushagra
Kumar and Mr. Amit
Kumar Rana, Advs.
- + **CRL.M.C. 2325/2020 & CRL.M.A. 16405/2020**
SURENDER SINGH BISHTPetitioner
Through: Petitioner in person.
versus
CENTRAL BUREAU OF
INVESTIGATIONRespondent
Through: Mr. Ripudaman Bhardwaj,
SPP with Mr. Kushagra



Kumar and Mr. Amit
Kumar Rana, Advs.

+ **CRL.M.C. 32/2021 & CRL.M.A. 130/2021**

N K RAI

.....Petitioner

Through: Ms. Ana Upadhyay, Mr.
Siddhesh Kotwal and Mr.
Shubhansh Patel, Advs.

versus

CBI

.....Respondent

Through: Mr. Ripudaman Bhardwaj,
SPP with Mr. Kushagra
Kumar and Mr. Amit
Kumar Rana, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

31.10.2025

1. By the present petitions, the petitioners challenge the orders dated 23.04.2015 and 03.09.2020 in RC No. 01(A)/2013/ACU-VIII in AC-III/CBI whereby the learned Trial Court took cognizance against the petitioners and summoned them for the offences under Sections 7, 13(2)/13(1)(d) of the Prevention of Corruption Act, 1988 read with Section 120B of the Indian Penal Code, 1860.

2. It is not disputed that the allegations which led to the initiation of investigation and filing of a final report in the present cases was also the subject matter of investigation and final report in regard to other co-accused persons, being, M.S. Badhan, Sibnath and Rajesh Sarda.

3. The said co-accused persons had approached this Court by filing petitions under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') being CRL.M.C. 2193/2015,



CRL.REV.P. 346/2015 and CRL.REV.P. 347/2015.

4. This Court, by a detailed judgment dated 03.07.2017, noted that once the prosecution has filed a closure report stating that no offence is made out against the accused persons, the cognizance ought not to have been taken by the learned Trial Court without taking recourse under Section 173(8) of the CrPC for directing further investigation.

5. This Court, by judgment dated 03.07.2017, had set aside the order dated 23.04.2015 pursuant to which the learned Special Court had taken cognizance against the accused persons including the present petitioners.

6. It is pointed out that though further investigation has been carried out, however, no report under Section 173(8) of the CrPC has been filed as yet.

7. The final report and the order taking cognizance has already been the subject matter of adjudication by this Court in earlier petitions filed by the co-accused persons. This Court by a detailed judgment has already set aside the order taking cognizance categorically holding that once a closure report was filed, cognizance could not have been taken unless fresh material was brought on record by taking recourse to further investigation under Section 173(8) of the CrPC. The petitioners undisputedly will be entitled to the benefit of the said judgment.

8. In view of the above, the present petitions are allowed and the orders dated 23.04.2015 and 03.09.2020 are set aside.

9. It is, however, made clear that the Central Bureau of Investigation is at liberty to conduct further investigation and file report, if any, under Section 173(8) of the CrPC pursuant to



which the learned Trial Court is at liberty to take further steps in accordance with law.

10. The present order is passed without prejudice to the other rights and contentions that the parties may take in support of their defence.

11. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

OCTOBER 31, 2025 / 'KDK'