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

+ **CRL.L.P. 397/2016**

STATE THR. CBI

.....Petitioner

Through: Mr. Ripudaman Bhardwaj, SPP for
CBI with Mr. Kushagra Kumar, Mr.
Amit Kumar Ranan, Advocates.

versus

MOHD. ASIF & ANR

.....Respondents

Through: Mr. Manish Tiwari, Advocate for R-1
Mr. Sanjeev Bhardwaj, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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10.07.2025

CRL.L.P. 397/2016

1. Central Bureau of Investigation seeks leave to appeal against judgment dated 16th December, 2015¹, passed by the Special Judge, CBI-03 (PC Act), Patiala House Courts, New Delhi in CBI Case No. 25/2013 arising out of R.C. No. 13A/2013/ACB/CBI. By way of the impugned judgment the Respondents have been acquitted for the offences under Section 120-B of the Indian Penal Code, 1860² read with Section 7 and 13(2) read with Section 13 (l)(d) of the Prevention of Corruption Act, 1988³ as well as the substantive offences under Section 7 and 13(2) read with Section 13 (l)(d) of the PC Act.

¹ "Impugned judgment"

² "IPC"

³ "PC Act"



2. Mr. Ripudaman Bhardwaj, SPP for CBI, argues that the impugned decision of the Trial Court acquitting the Respondents is premised solely on the question of invalidity of the sanction given for initiating prosecution under Section 19 of the PC Act. He submits that the findings of the Trial Court on this point are erroneous since the sanction obtained in the present case was valid.

3. Notwithstanding the above, he urges that even if the sanction was found to be invalid, the approach adopted by the Trial Court was erroneous inasmuch as there were no findings were rendered on the merits of the case. He submits that in a similar case, where an order of acquittal was passed by the Trial Court purely on the basis of invalidity of sanction, without rendering a finding on merits, the Supreme Court in *P.I. Babu vs C.B.I.*⁴, remanded the matter back to the Trial Court. Furthermore, he argues that in any event, the invalidity of sanction would only result in discharge of the accused, and the prosecuting agency would then have the opportunity to secure a valid sanction order. However, instead of discharging the accused, the Trial Court has erred in acquitting them.

4. In light of the foregoing, leave for appeal is granted and the application is disposed of.

CRL.A. _____

5. The Registry is directed to allocate a number to the Appeal.

6. It is noted that written submissions have already been filed by counsel for Respondent No. 1. Respondent No. 2 and the CBI are directed to file their written submissions, if any, not exceeding five pages, along with relevant case(s), at least one week before the next date of hearing.



7. List for consideration on 28th August, 2025.

SANJEEV NARULA, J

JULY 10, 2025/ab