

Crl. Revision No. 25/2025  
CBI vs. Nita Puri & Others

07.07.2025

Present: > Mr. Pankaj Kumar Gupta, PP & Sh. Anil Bansal,  
PP alongwith Police Inspector Anuj Chauhan, AC-  
III for CBI/appellant.  
> Sh. Vijay Aggarwal, advocate with Sh. Rajeev  
Goyal, Ms. Ekanshi Mishra, Sh. Vishal Gaurav and  
Ms. Konika Ghosh, advocates for respondents no. 1  
& 2 alongwith respondent no. 2 in person.  
> None for respondent no.3 MBSL.

Though the case was to be taken up today from 10:00 a.m. but the request of the PP was received that he will come late being busy in another court, so the proceedings were started at about 10:55 a.m. Today, the prosecution has given only the facts of the case (without discussing any evidence or law point) with start of his oral arguments which continued till 11:50 a.m.

Counsel for respondents informed that different single benches of the Hon'ble High Court had exonerated the respondents from committing any fraud and also held that the complainant banks were having knowledge of the complete facts including transfer of loan amounts from one company to another company which were sister concerns and they have even appreciated the such transfer of funds. According to the Hon'ble High Court, there was no embezzlement of any fund. It is also stated by counsel for respondents that the Ld. Trial Court relied upon those judgments of different single benches while passing the impugned order and also held that judgment given in civil proceedings are binding

upon the criminal court. This finding has been challenged by the CBI in this revision petition as one of the grounds.

Counsel for respondents further argued that those judgments of single benches have been challenged before Division Bench in LPAs, which had concluded the arguments and had reserved the judgments in different LPAs filed by different banks. The question whether the judgment of civil proceedings/writ petitions is binding upon criminal court has also been argued before Division Bench.

Counsel for respondents stated that most probably the Division Bench may decide the matter within 7-10 days, so this revision petition should be adjourned for reasonable period. Counsel also relied upon the decision of Hon'ble Supreme Court in case **D.K. Trivedi Vs State of Gujrat 1986 Supp SCC 20 &** decision of Delhi High Court in case **Deepak Talwar Vs Assistant Director ED W.P. (CrI) 385/2019 decided on 04.04.2019** in which it is held that where the matter is seized by the higher court in the same issue which is pending before the lower court, then the lower court should not proceed with the matter and to await for the decision of the higher court.

The possibility that the Division Bench may give its finding within a very short period and the question whether the decision of civil court or writ court is binding upon the criminal court may be also taken up in that decision, so there is no harm to wait for some short period because if it is held that there was no fraud or cheating took place and the banks knew everything and thereafter, those banks restructured the loan amount as well as the findings of the civil court are binding upon criminal courts, then it will be having a major impact upon this revision. Since,

as per counsel for respondents, the Division Bench may decide the matter within 7-10 days and the prosecution has also agreed for adjournment for 15 days.

Further, in the trial court, counsel for respondents had submitted three volumes of written submissions consisting of about 2500 pages with various case laws and the prosecution has no knowledge about the same. PP denied receipt of copies of those volumes whereas in the impugned judgment, there is a reference of submitting those written submissions in three volumes in para no. 31. PP requested for supply of one set of those volumes and counsel for respondents agreed to supply soft copy today and hard copy by tomorrow to the IO. PP also wants to go through those written submissions and case laws before proceedings further. Accordingly, the matter is now adjourned for prosecution arguments from 22.07.2025 to 25.07.2025 daily from 11:00 a.m. to 1:30 p.m. The dates and timings fixed above are given according to the convenience of the PP and counsel for respondents. The matter is also fixed for arguments daily from tomorrow 11.07.2025 but in view of the above circumstances, those dates are hereby cancelled.

(Ashwani Kumar Sarpal)  
Special Judge (PC Act) (CBI)-08, RACC  
07.07.2025