

CBI vs. Abhishek Tiwari and Ors.
FIR no. RC2182021A0005
PS CBI/AC-III/New Delhi
CNR No. DLCT11-000488-2021

10.03.2023

This is an application filed by CBI seeking issuance of proclamation U/s 82 Cr. P. C. against accused Vikrant Shridharrao Deshmukh.

The aforesaid application was listed for 09.03.2023 and is being taken up today in terms of Notification no. 823/I-G-4/Genl.-I/DHC dt. 07.03.2023 of the Hon'ble High Court of Delhi vide which 09.03.2023 was declared a holiday.

Present: Sh. V. K. Pathak, Ld. PP for CBI.
Sh. Yash Kadyan, Ld. Counsel on behalf of accused
Vikrant Deshmukh.

An application seeking to defer the proceedings for issuance of process U/s 82 Cr. P. C. against accused Vikrant Deshmukh has been filed.

Ld. PP for CBI has strongly objected to the filing of this application on the ground of its maintainability.

At this stage, Ld. Counsel for the applicant/accused submits that he wishes to withdraw this application. He has also made an endorsement in this regard on the application itself.

In view of the submission of Ld. Counsel for the applicant/accused Vikrant Deshmukh, the aforesaid application for deferring the proceedings stands dismissed as withdrawn.

Be awaited for the IO.

(Rakesh Kumar-III)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/10.03.2023

At 11.30 pm.

Present: Sh. V. K. Pathak, Ld. PP for CBI alongwith IO Inspector Shakti Singh.

Heard. Record perused.

Perusal of the record reveals that vide order dated 05.07.2022, an application for anticipatory bail moved on behalf of applicant/accused Vikrant Shridharro Deshmukh S/o Sh. Shridharrao Rangrao Deshmukh was dismissed and vide separate order of the same date, NBWs were ordered to be issued in respect of the above named accused.

The aforesaid order of issuance of NBWs passed by this court, was challenged by the applicant/accused before the Hon'ble High Court of Delhi. Vide order dt. 20.02.2023 passed in CrI. M. C. No. 3624/2022 and CrI. M. A. No. 15214/2022, the Hon'ble High Court of Delhi had ordered as under :-

“4. I have considered the submissions. Section 70(2) of the Code of Criminal Procedure (Cr. P. C.) specifically provides that the court issuing the warrants has jurisdiction to cancel the same. In view of the submissions made by learned senior counsel let an application for cancellation of NBWs be moved before the learned Special Judge. Learned Special Judge shall consider the same as per law without being influenced by the factum of filing of present petition and its withdrawal. It is also made specifically clear that this Court has not gone into the merits of the case and no expression made herein shall tantamount to be an impression on the merits of the case. Learned Special Judge shall decide the issue of cancellation of NBWs being moved by the petitioner independently.”

5. *Learned Special Judge is directed to dispose of the application of cancellation of NBWs within 7 days of the filing thus for two weeks i.e. till 06.03.2023, the NBWs issued against the petitioner shall not be executed.*

6. *In view of the above, the present petition along with pending application is disposed of.”*

Pursuant to the above, an application seeking recall/revoke/cancellation of warrants of arrest issued against applicant/accused Vikrant Shridharrao Deshmukh S/o Sh. Shri Shridharrao Rangrao Deshmukh was filed on 27.02.2023, which was dismissed vide detailed order dt. 03.03.2023.

Alongwith the application under disposal, a detailed report regarding the efforts made by CBI to execute the NBWs upon accused Vikrant Deshmukh has been filed. The report is perused.

Perusal of the aforesaid report reveals that sufficient efforts have been made by the CBI to execute the warrants of arrest/NBWs upon accused Vikrant Deshmukh, however, the accused is evading arrest.

In view of the aforesaid, let process U/s 82 Cr. P. C. be issued against accused Vikrant Deshmukh, returnable on **20.04.2023**.

(Rakesh Kumar-III)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/10.03.2023