

31.03.2023

Present: Ms. Saloni, Ld. APP for the CBI.
Accused Jasvinder Singh Bolina present through VC.
Ms. **Ravina**, Ld. Proxy counsel for accused Jasvinder Singh Bolina.
HIO/Inspector Raj Saurabh, ACB, Delhi in person.

Matter is listed today for arguments on the point of charge. However, adjournment has been sought by Ld. Proxy counsel on the ground that the main counsel is unavailable today due to some medical exigency in his family. Heard and considered.

At this stage, part submissions have been addressed by Ld. APP for the CBI. On perusal of the record it is noted that FIR in the instant case was registered for the IPC offences as well as for the offences under the PC Act. **In view of the same, be taken at 04:00 PM today for appropriate orders.**

(DEEPAK KUMAR-II)
ACMM-2 cum ACJ
RACC New Delhi / 31.03.2023

At 04:00 PM.

Present: None.

In the pre-lunch session part submissions on the point of charge were heard on behalf of CBI/Prosecution and it was noted that the FIR in the present case was registered for the offences punishable under section 120B read with Section 420 IPC and Sections 13 (2) read with 13 (1)

(d) of the PC Act. However, the charge sheet has been filed for the offences punishable under section 120B read with Section 420/468/471 IPC and substantive offences thereof.

In M.S. Lamba vs. State (CBI) 1995 (33) DRJ, it was held by Hon'ble High Court of Delhi that once competent court of jurisdiction i.e. Special Judge has assumed jurisdiction in the matter and FIR was filed under the provisions of Section 173 CrPC before Special Judge, the Ld. MM had no jurisdiction to assume jurisdiction on the basis of said FIR.

The facts in the present case are squarely covered by the aforesaid judgment as in the present case also, the FIR was registered for the offences punishable under the IPC as well as under the PC Act whereas, charge sheet was filed only for the IPC offences. Hence, in view of the law laid down by Hon'ble High Court in **M.S. Lamba vs. State (CBI) 1995 (33) DRJ**, this court does not have the jurisdiction to proceed further with the matter. Therefore, **let the instant case file be sent to Ld. Principal District and Sessions Judge cum Special Judge (PC Act), CBI, Rouse Avenue, New Delhi for appropriate orders/directions on 11.04.2023 at 10.00 am.**

Ahlmad is directed to send the file complete in all respect to the court of Ld. Principal District and Sessions Judge cum Special Judge (PC Act) (CBI), RADC, New Delhi well before the next date of hearing.

Accused is also directed to remain present before the court of Ld. Principal District and Sessions Judge cum Special Judge (PC Act) (CBI), RADC, New Delhi on the aforesaid date and time.

(DEEPAK KUMAR-II)
ACMM-2 cum ACJ
RADC, New Delhi/31.03.2023