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

+ **CONT.CAS(C) 268/2022**

SUNIL DUTT

..... Petitioner

Through: Mr. Manish Gupta, Advocate.

versus

YASIR ARAFAT

..... Respondent

Through: Mr. Ripu Daman Bhardwaj, SPP with
Mr. Kushagra Kumar and
Mr. Abhinav Bhardwaj, Advocates
for respondent/CBI.
(M): 9818030700
Email: cgsc.ripudaman@gmail.com

+ **CONT.CAS(C) 304/2022**

VISHAL KHANDELWAL

..... Petitioner

Through: Mr. Manish Gupta, Advocate.

versus

SH THANGLUAN ZAMANG

..... Respondent

Through: Mr. Ripu Daman Bhardwaj, SPP with
Mr. Kushagra Kumar and
Mr. Abhinav Bhardwaj, Advocates
for respondent/CBI.
(M): 9818030700
Email: cgsc.ripudaman@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA



ORDER
20.02.2024

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1. The present petition has been filed seeking initiation of contempt proceedings against the respondent for willful disobedience of the directions as contained in judgment dated 07th February, 2018 passed by the Division Bench of this Court in *W.P. (C) No. 7608/2017*.

2. Learned counsel appearing for the petitioner submits that by way of the aforesaid judgment, directions have been passed by the Division Bench pertaining to the manner in which the notice under Section 41(A) of the Code of Criminal Procedure, 1973 (“Cr.P.C”) is to be issued. He draws the attention of this Court to the following paragraphs, which read as under:-

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(vii) A duly indexed booklet containing serially numbered notices in duplicate / carbon copy format should be issued by the SHO of the Police Station to the Investigating Officer. The Notice should necessarily contain the following details:

a Serial Number

b Case Number

c Date and time of appearance

d Consequences in the event of failure to comply

e Acknowledgment slip

(viii) The Investigating Officer shall follow the following procedure:-

a The original is served on the Accused/Suspect;

b A carbon copy (on white paper) is retained by the IO in his / her case diary, which can be shown to the concerned Magistrate as and when required;

c Used booklets are to be deposited by the IO with the SHO of the Police Station who shall retain the same till the completion of the investigation and submission of the final report under section 173



(2) of the Cr.P.C.

d The Police department shall frame appropriate rules for the preservation and destruction of such booklets

(ix) Procedure booklets in format identical to the above prescription in guideline (vii) & (viii) with modifications having regard to the statutory provisions in the forms for the notices and acknowledgment shall be maintained.

(x) Failure on the part of the IO to comply with the mandate of the provisions of the Cr.P.C and the above procedure shall render him liable to appropriate disciplinary proceedings under the applicable rules and regulations as well as contempt of Court in terms of the directions of the Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273.

xxx xxx xxx ”

3. Learned counsel appearing for the petitioner submits that the notice under Section 41(A) of the Cr.P.C issued by the respondent-CBI to the petitioner is not in compliance with the directions as given in the aforesaid judgment. Thus, he submits that in the notice issued to the petitioner under Section 41(A) of Cr.P.C, the serial number, acknowledgment slip and Index booklet number is missing. Thus, he submits that the notice issued to the petitioner herein was in the nature of disobedience of the directions passed by Division Bench in the aforesaid matter.

4. Learned counsel for the petitioner also relies upon the judgment in the case of **Satender Kumar Antil Versus Central Bureau of Investigation and Another.**, 2022 SCC OnLine SC 825. He relies specifically upon Para 73(d) of the aforesaid judgment to contend that the Supreme Court has given categorical directions that all police officers including all the investigating agencies to comply with the directions of the aforesaid judgment passed by Division Bench of this Court.

5. Mr. Ripu Daman Bhardwaj, learned standing counsel for the



respondent submits that he may be granted some time to study the aforesaid judgment and also seek relevant instructions.

6. At request, list on 03rd May, 2024.

MINI PUSHKARNA, J

FEBRUARY 20, 2024

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