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

+ **CRL.A. 289/2026**

ASHOK KUMAR AGGARWAL

.....Appellant

Through: Mr. Yashraj Singh Deora, Sr. Advocate
with Ms. Anupama Dhurve, Advocates.

versus

SUSHIL DEWAN & ORS.

.....Respondents

Through: Mr. Sushil Kumar Dubey, Advocate for
Respondent no.1
Mr. Ripudaman Bhardwaj, SPP with
Mr. Amit Kumar Rana, Advocates for
CBI.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **25.03.2026**

CRL.M.A. 9099/2026

Exemption allowed, subject to all just exceptions.

CRL.M.A. 9100/2026(condonation of delay)

For the reasons stated in the application, the delay in filing appeal is condoned.

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1. The present appeal has been filed under Section 380 read with Sections 528 and 531 *Bharatiya Nagarik Suraksha Sanhita* (BNSS) which takes exception to order dated 25.10.2025 passed by learned Trial Court whereby the learned Trial Court has dismissed the application of the appellant filed under Section 340 Cr.P.C (Corresponding Section 379 of the BNSS).

2. Learned counsel for appellant submits that, earlier, when the abovesaid application had been considered by learned Trial Court, it allowed the same on 29.05.2018, while observing that a complaint under Section 340 Cr.P.C. was required to be made against IO/Inspector-Sushil Dewan and, accordingly, the concerned Court staff official was directed to file a formal complaint for further necessary action.

3. Such order was, however, challenged by filing an appeal before this Court

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and when such appeal i.e. CRL A. 867/2018 was taken up by learned Coordinate Bench of this Court on 11.07.2024, this Court, without going into merits of the case, set aside the abovesaid order, while directing the learned Trial Court to pass fresh order taking into account the record produced by CBI. It was also observed that though Trial Court had passed a very comprehensive order, the role of other officers, possibly, could not be examined on account of non-availability of the records.

4. Learned Senior Counsel for appellant submits that on such re-consideration, the previous order has been completely overturned and even the abovesaid officer has been exonerated which was unwarranted, particularly also in view of the material placed on record against him and others.

5. Learned Counsel for respondent No.3 appears on advance notice and submits that the action of the appellant herein is actuated by *mala fide* and he is unnecessarily trying to hound an honest CBI official. He, however, without prejudice to his rights and contentions, accepts notice and seeks time to file reply.

6. Let the same be filed by the next date of hearing.

7. Learned counsel for respondent No.1 also appears on advance notice and accepts notice.

8. List on 26.05.2026.

MANOJ JAIN, J

MARCH 25, 2026/sw/sa