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

+ **CRL.M.C. 1842/2025**

MR BIBHUTI BHUSHAN BISWAS

.....Petitioner

Through: Mr. Kunal Madan, Advocate

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Laksh Khanna, APP for State
with Insp. G.N. Tiwari

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **19.03.2025**

[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 8338/2025 (exemption from filing of complete certified trial court record)

1. The petitioner is directed to file certified copy of complete trial court record within two weeks. Accordingly, the application stands disposed of.

CRL.M.A. 8339/2025 (for condonation of delay of 05 days in re-filing)

2. For the reasons mentioned therein, the application is allowed and delay in re-filing the appeal after removal of defects is condoned.

CRL.M.C. 1842/2025

3. The petitioner has sought, broadly speaking, monitoring of the investigation of this case, which according to petitioner is a scam of volumes. Learned counsel for petitioner has taken me through para 13 of reply filed before NCLT (*pdg page 47*) which shows the volume of money involved. According to petitioner, hundreds of home buyers have been



cheated by the private respondents, who have made crores of rupees.

4. Learned prosecutor on instructions submits that charge sheet is ready to be filed, so there is no scope of any monitoring. Learned prosecutor submits that the case was thoroughly investigated.

5. At this preliminary hearing of this petition, the court would require further details from respondent side before making any prima facie opinion that investigation is not being properly carried out and needs monitoring. It is settled legal position that the court cannot direct how to investigate. Investigation is the prerogative of the investigating agency.

6. But the shocking aspect is that till date, no arrest at all has been made by police despite the nature of crime. Admittedly, what is ready to be filed is the charge sheet and not closure report. Before arriving at a decision to monitor the investigation and before ascertaining any laxity in investigation, it would be necessary to hear the prosecution side.

7. A detailed counter affidavit, duly sworn by the Joint Commissioner of EOW, Delhi Police, be filed within two weeks. It is made clear that the counter affidavit is being sought from a senior functionary because of above circumstances.

8. Notice to the private respondents shall be issued, if required after examining the counter affidavit.

9. Relist on 07.05.2025.

GIRISH KATHPALIA, J

MARCH 19, 2025/rk

Click here to check corrigendum, if any