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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7526/2024**

DIRECTORATE OF ENFORCEMENT & ANR.....Petitioners

Through: Mr. Ravi Prakash, CGSC with Mr.
Farman Alli, Mr. Ali Khan, Advs.

versus

MUKESH JAIN & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **26.11.2024**

CRL.M.A. 35329/2024

1. This is an application filed under section 528 of BNSS seeking early hearing.
2. For the reasons stated in the application, the application is allowed and the matter is taken up for hearing today.
3. The next date of hearing i.e. 30.01.2025 stand cancelled.
4. The application is disposed of.

CRL.M.C. 7526/2024

5. This is a petition filed under section 530 BNSS seeking setting aside of the impugned order dated 05.08.2024 passed by the Learned Special Judge, Rouse Avenue in ECIR.NO/292/DZ//2009.
6. Mr. Ali, learned counsel for the petitioner states that in the impugned order, the learned Special Judge directed the initiation of criminal proceedings along with the initiation of disciplinary proceedings against the Investigating Officer/ Asst. Director Pankaj Kumar for the offences under section 166A and 217 IPC, 1860. The said finding by the learned Special Judge is contrary to the facts and the law laid down.



7. He states that the Investigating Officer (IO) has completed the investigation in accordance with law and procedure and there was no lapse on the part of the IO.

8. The said issue needs consideration.

9. For the said reasons, issue notice to the respondent on the petitioner taking steps through all modes, including electronic, returnable on 19.02.2025.

CRL.M.A. 28739/2024

10. This is an application filed under section 430 of BNSS seeking stay of the operation of the impugned order dated 05.08.2024 passed by learned Special Judge, Rouse Avenue in CC No. 139/2019 in ECIR.NO/292/DZ//2009.

11. Mr. Ali, learned counsel for the petitioner states that the learned Special Judge proceeded on going into the merits of the questioning of the IO during his investigation, while ignoring the fact that the IO was only questioning the witness, namely, Mr. Pramod Kumar on the credits in the bank account of his company i.e. M/s AIPL from Bahubali Market.

12. Hence, the observations of the learned Sessions Court are contrary to the record and the law laid down.

13. For the said reasons, till the next date of hearing, the effect and operation of the impugned order dated 05.08.2024 passed by learned Special Judge, Rouse Avenue in ECIR.NO/292/DZ//2009 shall remain stayed.

14. List on 19.02.2025.

JASMEET SINGH, J

NOVEMBER 26, 2024/DMz