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

+ CRL.M.C. 8769/2024 & CRL.M.A. 33551/2024 (stay)

RAKESH KUMAR KULDEEP SINGH WADHAWAN

.....Petitioner

Through: Mr. Deborpiro Moulik, Mr. Vijay Kari
Singh & Mr. Ashish Verma, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for State
SI Arun Ahlawat, PS EOW
Mr. Hariom Adv, for R-2 to 4

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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08.11.2024

CRL.M.A. 33552/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 8769/2024

1. This petition has been filed for setting aside impugned order dated 29th October, passed by the Spl. Judge (PC Act) (CBI)-24, Rouse Avenue District Court, New Delhi, in Crl. Rev. No. 26/2023. By the said order, the ASJ remanded the matter back to the Trial Court, which had discharged the petitioner in FIR No.166/2015, registered at PS: EOW, u/s 406/420/34 IPC, with directions *inter alia* to pass a detailed fresh order on charge, specifying allegations against each accused, with respect to particular offence, and to render specific findings against



each of them.

2. A perusal of the impugned order would show, that the ASJ has simpliciter remanded the matter back for a fresh hearing, considering the findings by the Trial Court were summary in nature and devoid of proper appreciation of facts. Besides, respondent nos. 2 and 4 had raised the issue regarding involvement of petitioner in a multi-crore scam, related to HDIL Group.

3. Counsel for respondents contends, that the money which is being collected by M/S Rudra Buildwell Realty Pvt. Ltd, has been transferred to HDIL, of which, the petitioner is the Managing Director, and that aspect needs to be investigated.

4. The Court has perused the impugned order and finds that at this stage no interference is required; petitioner is at liberty to place their submissions before the Trial Court, which is to hear the matter afresh.

5. Counsel for the petitioner, however, raises an issue with regard to directions given to the ED in para 81 (v and vi), of the said order, and states that the same could not be done. He seeks leave to place certain decisions on record in this regard, in support of his plea. No steps be taken in respect of directions contained in para 81 (v & vi) *qua* the petitioner, till the next date of hearing.

6. Issue notice; APP accepts notice on behalf of the State while Mr. Hairom, Advocate accepts notice on behalf of respondents. Counsel for petitioner shall supply copy of petition, to counsel for respondents

7. Notice is being issued, only with respect to directions passed in para 81 (v & vi), on which, the parties shall address arguments on the next date of hearing. Written submissions in support thereof, can be filed by the parties, with copy to the opposing side, at least a week before the next date of hearing.

8. As regards the directions relating to remand, as contained in para 81 (i to iv), they are not being interfered with, and the matter will proceed before the Trial Court.



9. List on 12th December 2024.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 8, 2024/sm/kp