



2026.04.13.18

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

+ CRL.M.C. 1236/2017

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..... Petitioner

Through: Mr. Mohit Mathur, Senior Advocate
alongwith Mr. Mohammad Shahrukh,
Adv.

versus

STATE & ORS.

..... Respondents

Through: Mr. Shoaib Haider, APP for the State
with ACP Rajesh Sharma, EOW.
Mr. Vivek Sood, Senior Advocate
alongwith Mr. M.N. Dudeja, Mr.
Sharswat Bhardwaj, Mr. Saurabh
Agarwal, Mr. Aditya Mishra and Ms.
Deepika Singh, Advs. for remaining
respondents.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

03.03.2023

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- Mr. Mohit Mathur, learned senior counsel appearing for the petitioner has made extensive submissions on behalf of the petitioner.
2. Mr. Vivek Sood, learned senior counsel and Mr. M.N. Dudeja, learned counsel appearing for the respondents have also made submissions in response.
 3. In the course of hearing, a query has been put to both sides, as to whether in exercise of its inherent powers under section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') and Articles 226 and 227 of the Constitution of India, acting *ex debito justitiae*, is the High Court bound by the restrictions that may have prevailed on the learned



sessions court acting in exercise of its revisional power under section 397 Cr.P.C. Furthermore, under section 482 CrPC, can the High Court call upon respondents Nos. 2, 3 & 4 to explain the intent and purpose for which the sum of Rs.4.39 Crores was admittedly received by them from the petitioner, under or on the principles of section 106 of the Evidence Act or under its inherent powers.

4. Learned senior counsel appearing for both sides seek time to cite relevant judicial precedents to address the above queries.
5. Learned counsel are also directed to file a brief synopsis of their respective submissions, including a list of judicial precedents they seek to rely upon, not exceeding 03 pages, before the next date of hearing, also specifically addressing the above queries.
6. List on 10.07.2023.

ANUP JAIRAM BHAMBHANI, J

MARCH 3, 2023/kct