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ITEM NO.5

Court No.6

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRLMP No. 1275 of 2014 in Petition(s) for Special Leave to Appeal (Cr1)
No(s).1559/2013

(From the judgement and order dated 21/01/2013 in BA No.3980/2012, of The
HIGH COURT OF JHARKHAND AT RANCHI)

RAJESH KUMAR FOGLA

Petitioner(s)

VERSUS

STATE OF JHARKHAND

Respondent(s)

(With appln(s) for extension of time and office report)

Date: 03/02/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. Sarad Kumar Singhania, Adv.

For Respondent(s)

Dr. Ashok Dhamija, Adv.

Mr. S.T.Ahmad, Adv.

Ms. Sonia Dhamija, Adv.

Mr. B.V. Balaram Das, Adv.

UPON hearing counsel the Court made the following

O R D E R

While dismissing SLP(Cr1.) No. 1559 of 2013 we had directed the Trial Court to expedite hearing of the arguments on the question of framing of charges against the accused person and pass appropriate orders as expeditiously as possible but not later than four months from the date of receipt of a copy of this order. The Central Bureau of Investigation (CBI) has now filed this application supported

by an affidavit sworn by the Deputy Superintendent of Police, CBI Ranchi seeking extension of time to furnish the relevant documents with accused persons. In para 6 of the said application it is stated by CBI that a request was made to the Mission Director, NRHM, Ranchi as well as to the Chief Secretary, Government of Jharkhand, Ranchi to make necessary arrangement for photocopying of the case records which runs into 24,00,000 pages (approximately) according to the learned counsel. No response however was received from either the Mission Director, NRHM, Ranchi or the Chief Secretary, State of Jharkhand. A request for grant of three months further time for supplying the police papers has therefore been made by the CBI stating that the CBI does not have a full fledged unit in Jharkhand and that the small unit that looks after that State is not in a position to undertake an exercise of this magnitude in a short span of time.

The averments made and the reasons given by the CBI for extension of time are hard to accept. We say so firstly because we do not see any reason why the CBI should not strengthen its unit in Jharkhand, if it has chosen to prosecute people in a case of

embezzlement and fraud involving over Rs. 130 crores. Secondly because we do not understand why the Mission Director, NRHM and the Government of Jharkhand should not have responded favourably to the request made by it for help and support to the CBI Unit in Jharkhand. In the circumstances before we pass any further

direction in the matter we deem it fit to direct that the Mission Director, NRHM, and the Chief Secretary as also Home Secretary, Government of Jharkhand shall file a reply to this application indicating whether any action was taken on the request made by the CBI and if none was taken the reasons for the omission. Notice by way of this order shall be served dasti by the CBI upon all the three officers mentioned above.

Notice shall be returnable by 24.02.2014.

| (Shashi Sareen)
| Court Master

| | (Veena Khera)
| | Court Master

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