

ITEM NO.1

COURT NO.9

SECTION II

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

IA Nos. 41022/2018,41023/2018 in M.A.NO. 787 OF 2018 IN SPECIAL  
LEAVE PETITION(CRL.)No. 9804/2017

(Arising out of impugned final judgment and order dated 08-02-2018  
in SLP(Crl) No. No. 9804/2017 passed by the Supreme Court Of India)

DR. SWETABH SUMAN

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION DIRECTOR

Respondent(s)

(Applications for clarification/direction and permission to file  
application for direction)

Date : 05-04-2018 These applications were called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s)

Mr. Vikas Singh, Sr.Adv.  
Mr. P. S. Sudheer, AOR  
Mr. Manoj Kumar Rai, Adv.  
Ms. Dipika Kalia, Adv.  
Mr. Sukesh Kumar Mishra, Adv.

For Respondent(s)

Mr. Vikramjit Banerjee, ASG  
Mr. A.C. Pradhan, Sr.Adv.  
Mr. P.K. Dey, Adv.  
Mr. Santosh Kumar, Adv.  
Mr. Sayooj Mohandas M., Adv.  
Mr. Ayush Anand, Adv.  
Ms. Shruti Agarwal, Adv.  
Mr. M.K. Maroria, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Permission to file the application for direction is granted.

Heard learned counsel for the parties.

It is submitted by learned counsel for the C.B.I. that the

C.B.I. has completed examination of all the witnesses. One witness, namely; Rajesh Tomar was recently examined.

According to the learned counsel for the petitioner, no opportunity has been given to re-examine the witness.

It appears that the trial Court has rejected the recalling application, because of the time constraint. In this case also, when the C.B.I. earlier submitted its list, particular name was not mentioned. Subsequently, they have added this particular witness for examination.

In view of the peculiar facts and circumstances of the case and without delaying the matter further, we direct the trial Court to allow the petitioner's application for recalling of the witness for re-cross examination. However, we direct the petitioner not to drag on the matter in the guise of re-cross examination.

In view of the delay occurred, the time schedule fixed by the High Court has already expired and because of that, the trial Court is not giving reasonable time and liberty to examine the witnesses. At this stage, we are not inclined to interfere with the time frame fixed by the High Court. The petitioner is at liberty to move the High Court seeking extension of time.

With the above observations, the application for direction is disposed of.

The miscellaneous application is ordered accordingly.

(SUKHBIR PAUL KAUR)  
AR CUM PS

(RENUKA SADANA)  
ASST.REGISTRAR