

1

ITEM NO.46

COURT NO.10

SECTION II

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).

2848-2849/2015

(Arising out of impugned final judgment and order dated 12/03/2015 in BA No. 1680/2014 12/03/2015 in CRLMA No. 10112/2014 passed by the High Court Of Delhi At New Delhi)

WG. CDR. (RETD.) KOKA RAO

Petitioner(s)

VERSUS

CBI.

Respondent(s)

(with interim relief and office report)

Date : 01/02/2016 These petitions were called on for hearing today.

CORAM :

HON&#39;BLE MR. JUSTICE V. GOPALA GOWDA

HON&#39;BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. A. Sharan, Sr. Adv.

Mr. Amit Anand Tiwari, Adv.

Mr. Abhinandan Banerjee, Adv.

For Respondent(s)

Mr. Rajiv Nanda, Adv.

Mr. B. Raghunath, Adv.

Mr. B. V. Balaram Das, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Amarendra Sharan, learned senior counsel for the petitioner and Mr. Rajiv Nanda, learned counsel for the respondent.

2

Our attention was drawn to the order dated 17.04.2015 passed by this Court directing the trial court to make endeavour to take a decision on framing of charges. Thereafter, this Court has on 21.09.2015, directed the High Court to send the original case file in respect of Crl.M.C. No.5112 of 2013 and Cr.M.A. No.18437 of 2013 to the trial court soon after the hearing on 01.10.2015. It is stated by learned counsel for the respondent that on 01.10.2015, the case was adjourned and the trial court was directed to send back the file in two days before the next date of hearing in the aforesaid cases. It is further brought to our notice by learned counsel for the respondent that the applications filed by accused nos. 1 and 2 to bring the other persons, [purported to be whistle-blower(s)] as accused in these proceedings, are pending consideration before the trial court.

In aforesaid view of the matter, we direct the learned Special Judge to consider the framing of the charges in the case pending before him deferring consideration of the applications to bring the other persons as accused and also the application filed by

3

the petitioner herein seeking separation of his trial. We further direct the learned Special Judge to proceed with the hearing to consider the framing of charges in this case against the accused irrespective of any application pending before him or orders that may be passed by the High Court. For this purpose, the High Court is requested to send back the original files received by it in Crl.M.C. No.5112 of 2013 and Cr.M.A. No.18437 of 2013 expeditiously and the record that will be received by the learned Special Judge shall be retained by him till the hearing regarding consideration of framing of charges and passing of appropriate order in that regard.

Learned senior counsel is at liberty to produce the copy of this order before the High Court in the proceedings pending before it.

List the matters in the first week of March, 2016.

(VINOD KUMAR)

COURT MASTER (MALA KUMARI SHARMA)

COURT MASTER