

Central Bureau Of Investigation vs A.Raja & Ors on 5 October, 2020

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.L.P. 185/2018 and
CRL.M.A. 4904/2019; CRL.M.A.4907/2019: CRL.M.A.
4940/2019; CRL.M.A. 39238/2019; CRL.M.A. 1731/2020;
CRL.M.A. 1732/2020; CRL.M.A. 1820/2020 and CRL.M.A.
1821/2020

CENTRAL BUREAU OF INVESTIGATION Petitioner
Through: Mr.Sanjay Jain ASG with Ms.
Sonia Mathur, Senior Advocate
with Mr. Ripu Daman Bhardwaj,
Special Public Prosecutor with Mr.
Rishi Raj Sharma, Mr. Arkaj
Kumar, Mr. Padmesh Mishra &Ms.
Noor Rampal, Advocates &
Inspector Manoj, IO

Versus

A.RAJA & ORS. Respondents
Through: Mr. Manu Sharma, Ms Ridhima
Mandhar, Mr. Kartik Khanna &
Mr.Vijay Singh, Advocates for
respondent No.1.
Mr. Vedanta Varma, Advocate for
respondent No. 2.
Mr. Vijay Aggarwal, Mr. Mudit
Jain, Mr.Ashul Aggarwal, Mr.
Shailesh Pandey, Ms. Barkha
Rastogi, Mr. Hardik Sharma,
Advocates for respondents No. 3,4,
13 & 14.
Mr. Mahesh Agarwal, Ms.Neeha
Nagpal & Mr.Vishvendra Tomar,
Advocates for respondent No.5.

Signature Not Verified
Digitally Signed
By:PRADEEP SHARMA
Signing Date:06.10.2020
12:27:09

Mr. Varun Sharma, Advocate for
respondent No. 6.
Mr. Vishal Gosain, Advocate for

respondent No.7.

Mr. D. P. Singh, Ms. Sonam Gupta & Ms. Ishita Jain, Advocates for respondent No.8-M/s Unitec Wireless.

Mr.Mohit Kumar Auluck &

Mr.Pramod Sharma, Advocates for respondents No.

9 and 11

Ms.Manali Singhal, Mr. Santosh Sachin, Mr. Deepak S Rawat & Ms. Aanchal Kapoor, Advocates for respondent No.12-M/s Reliance Telecom Ltd.

Mr. Sandeep Kapur, Mr. Vir Inder Pal Singh Sandhu, Mr.Abhimanshu Dhyani, Mr. Sahil Modi, Advocate for respondents No.15.

Mr.Balaji Subramanian & Ms.Ishani Banerjee, Advocates for respondent No.16.

Dr. Joseph Aristotle S., Advocate for respondent No.17.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% 05.10.2020

1. The hearing has been conducted through video conference. Crl.M.A. 13706/2020 (u/S 482 Cr.P.C.)

2. Applicant/respondent No.7-Sanjay Chandra is said to be in custody in FIR No. 101/2015, registered at Economic Offences Wing, New Delhi (Criminal case No. 7728/2017, titled as State Vs. Sanjay Chandra & Ors.) and vide this application, prayer is made to permit him to consult his lawyer in their chambers thrice a week to enable him to represent the instant leave petition, which has been directed to be listed for day to day hearing. A prayer is also made to allow the applicant/respondent No.7 to consult his lawyers through video conferencing and to direct Jail Authorities to permit him to attend court hearings on day to day basis through video conference.

3. Learned ASG very fairly submitted that to make effective submissions by learned counsels, applicant/ respondent No.7 may require to contact his legal team and he cannot have any objection to the same. Learned ASG, however, submitted that the applicant/ respondent No.7 can consult his lawyers through video conferencing.

4. Mr. Vishal Gosain, learned counsel for the applicant/ respondent No.7 submitted that applicant/respondent No.7 requires to consult his legal team to discuss the strategies and arguments and for this purpose, he be permitted to consult his lawyers in their office/chamber on every Monday, Wednesday and Friday i.e. thrice a week.

5. I have heard the learned counsel for the parties on this application. This Court is of the opinion that applicant /respondent No.7 should be given fair and meaningful opportunity to consult his legal team to represent his stand in this petition. At present, in the interest of justice, this Court allows the prayer of the applicant/respondent No.7 to consult his lawyer on coming Wednesday, Friday and Monday i.e. 7th, 9th and 12th October, 2020 for one hour through video conferencing at such a time which is convenient to the learned counsel as well as the concerned Jail Superintendent. So far as other prayers of learned counsel for the applicant/respondent No.7 are concerned, it will be considered at a later stage. Moreover, the turn of the respondent No.7 to argue the petition is still to reach.

6. Mr. Vishal Gosain, learned counsel has furnished the mobile number (9999862000) and email ID (tarannum.cheema@gmail.com) of Ms. Tarannum Cheema, Advocate for the applicant/respondent No.7 for video conferencing.

7. A copy of this order be sent to the Jail Superintendent for compliance.

8. Allowed subject to all just exceptions.

9. Vide this application, applicant/respondent No.13- Asif Yusuf Balwa is seeking necessary direction to the petitioner to furnish copy of mandatory approval under Section 378(2) Cr.P.C. obtained by the petitioner along with concerned note sheets, reports, drafts, letters and correspondence to file the present appeal.

10. Substantial arguments on the application have been addressed by both the sides. During the course of arguments, it was brought to the notice of this Court that by virtue of Gazette notification dated 16th February, 2018, Mr. Tushar Mehta, learned Senior Counsel and ASG (now learned Solicitor General) has been appointed as Special Public Prosecutor (CBI) for conducting prosecution, appeals/ revisions or other proceedings arising out of 2G Spectrum cases investigated by the Delhi Special Police Establishment (CBI) in the court of Special Judge, CBI as well as appellate/ revisional courts. It was pointed out by learned counsel for the respondents that is required to be seen whether Mr. Sanjay Jain, learned ASG has been authorized to appear in this petition.

11. Learned ASG submitted that he will answer the above query tomorrow.

12. List on 06th October, 2020 at 02:30 p.m.

13. The order be uploaded on the website of this Court forthwith.

BRIJESH SETHI, J OCTOBER 05, 2020 r