

Bharat R. Chaudhary Through Yashoda ... vs Central Bureau Of Investigation on 15 September, 2021

Author: Yogesh Khanna

Bench: Yogesh Khanna

\$~27

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2164/2021

BHARAT R. CHAUDHARY

THROUGH YASHODA RANA

Through: Mr.Manish Tiwari, Advocate
versus

CENTRAL BUREAU OF INVESTIGATION

Through: Mr.Ripudaman Singh Bhard
and Mr.Kushagra Kumar
and SI Ankur Kumar, f

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% 15.09.2021

1. The hearing has been conducted through Video Conferencing.

2. Exemption allowed, subject to all just exceptions.

3. The application stands disposed of.

CRL.M.C. 2164/2021 & Crl.M.A.No.14604/2021

4. This petition is filed with the following prayers:-

(a) Quash the order dated 04.08.2021 passed by Sh.Shailender Malik, Id. Special judge (CBI) (PC Act) 22, Rouse Avenue Courts, New Delhi in case CBI Vs Bharat R Chaudhary and others being CC No.125/2019 in the regular case (RC) No 220/2014/E/0006/CBI/EOII/ EOU-V /New Delhi registered at police station CBI/EO-II/EOU-V/ New Delhi under sections 120-B IPC R/W 419/420/465 /467/ 468/471 and Sec.132) R/W 13(1) (d) PC Act I 988,

(b) Postpone further proceedings qua the Petitioner in the above noted case till he completely recovers from his severe mental illness, in the interest of justice.

5. The learned counsel for the petitioner submits per impugned order dated 04.08.2021, learned

Trial Court had directed the petitioner to be produced before him to answer the queries under Section 313 Cr P since the trial is at its last leg. The learned counsel submits the trial must be stopped at the present juncture since the petitioner is diagnosed with severe mental illness (Paranoid Schizophrenia, with differential diagnosis of Schizoaffective Disorder) and is under treatment since the year 2009 from a private psychiatric hospital. The medical board opined the petitioner is symptomatic and is not fit to appear for the court proceedings pertaining to the trial, let alone testify and he requires continuous treatment from a psychiatrist. This opinion was made on 13.04.2021 by the Medical Board constituted by the Institute of Human Behaviour and Allied Sciences (IBHAS), Dilshad Garden, Delhi.

6. The petitioner was reviewed time and again and lastly on 24.07.2021 wherein the certificate was issued by VIMHANS stating inter alia the petitioner is found to be in a symptomatic phase of the illness and is suffering from delusions and severe mental thought disorder accompanied by periodic hallucinations and removed from reality. It is stated learned Trial Court ignored the certificates issued by the medical board and different doctors and directed him to be produced to answer the queries under Section 313 Cr P C and despite the petitioner being admitted to Vimhans on 06.09.2021 for his treatment, the petitioner was to be discharged on 07.09.2021 against the medical advice - per annexure P19 and was produced before learned Trial Court, hence this petition for quashing of the impugned order passed by learned Trial Court.

7. Issue notice. Learned SPP accepts notice and seeks to file status report. As sought, status report be filed before the next date of hearing with an advance copy thereof to the learned counsel for petitioner through email.

8. At this stage, the learned counsel for the petitioner submits the matter is now listed before learned Trial Court on 17.09.2021 and looking at the condition of the petitioner stated in various reports filed along with the petition, the petitioner be exempted on said date of hearing citing the pendency of this petition. The learned counsel for the CBI shall cooperate in this regard.

9. List again on 08.11.2021.

10. Copy of this order be sent to the learned Trial Court electronically for information and compliance.

YOGESH KHANNA, J.

SEPTEMBER 15, 2021 M