

A ASIAN RESURFACING OF ROAD AGENCY P. LTD. AND ANR.

v.

CENTRAL BUREAU OF INVESTIGATION

(Criminal Appeal Nos. 1375-1376 of 2013)

B

APRIL 25, 2018

[ADARSH KUMAR GOEL AND R. F. NARIMAN, JJ.]

C *Prevention of Corruption Act, 1988 – s.19(3)(c) – Jurisdiction of High Court in granting stay in challenge against order framing charge under the 1988 Act – Held: In view of judgment of three Judge Bench dtd. 28th March, 2018 reported in [2018] 2 SCR 1045, and after considering the material on record, no ground to interfere with the order framing charge – Trial Court to proceed with the matter pending before it.*

D *Practice and Procedure – Summoning of records by appellate/ revisional court– Held: Wherever original record has been summoned by appellate/revisional court, photocopy/scanned copy of the same may be kept for its reference and original returned to the trial courts forthwith – If in future the trial court record is summoned, the trial courts may send photocopy/scanned copy of the record and retain the original so that the proceedings are not held up – In cases where specifically original record is required by holding that photocopy will not serve the purpose, the appellate/ revisional court may call for the record only for perusal and the same be returned while keeping a photocopy/scanned copy of the same.*

F

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal Nos. 1375-1376 of 2013.

From the Judgment and Order dated 29.03.2011 and 07.04.2011 of the High Court of Delhi at New Delhi in CrI. W. P. No. 352 of 2010.

G

Ms. Vibha Datta Makhija, Sr. Advs., Ms. Tatini Basu, S. S. Shamsbery, Ms. Kiran Bhardwaj, Ms. Rukmini Bobde, Ms. Binu Tamta, V. V. Pattabhi Ram, Sumit Teterwal, Mukesh Kumar Maroria, Ms. B. V. Balaram Das, Ashok K. Mahajan, Senthil Jagadeesan, Amarjit Singh Bedi, Sarvesh Singh Baghel, Advs. for the appearing parties.

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ASIAN RESURFACING OF ROAD AGENCY P. LTD. AND ANR. 1107
v. CENTRAL BUREAU OF INVESTIGATION

The following Order of the Court was delivered: A

O R D E R

1. Heard learned counsel for the parties.

2. In view of judgment of three Judge Bench dated 28th March, 2018 and after considering the material on record, we do not find any ground to interfere with the order framing charge. B

3. Accordingly, the trial court is directed to proceed with the matter pending before it. All contentions of the parties are left open which may be gone into by the trial court. Parties are directed to appear before the trial court on 14th May, 2018. C

4. To give effect to directions in judgment of this Court dated 28th March, 2018, noted above, we direct that wherever original record has been summoned by an appellate/revisional court, photocopy/scanned copy of the same may be kept for its reference and original returned to the trial courts forthwith. D

5. We also direct that if in future the trial court record is summoned, the trial courts may send photocopy/scanned copy of the record and retain the original so that the proceedings are not held up. In cases where specifically original record is required by holding that photocopy will not serve the purpose, the appellate/revisional court may call for the record only for perusal and the same be returned while keeping a photocopy/scanned copy of the same. E

6. A copy of this order be sent to all the High Courts.

The appeals are disposed of. F

Divya Pandey

Appeals disposed of.