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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 299/2026

DEVENDER KUMAR

.....Petitioner

Through: Mr. K.C. Mittal, Mr. Anil Kumar Verma, Mr. Ashu Rani, Mr. Yugansh Mittal and Ms. Mamta Rani, Advocates.  
Petitioner in-person.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Ripudaman Bhardwaj, SPP with Mr. Kushagra Kumar and Mr. Amit Kumar Rana, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

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**15.05.2026**

**CRL.M.A. 14750/2026 (exemption)**

Exemption granted, subject to just exceptions.

The application stands disposed of.

**CRL.REV.P. 299/2026**

**CRL.M.A. 14749/2026 (stay)**

By way of the present petition filed under sections 438/442 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner impugns order on charge dated 07.03.2026 as well as the order framing charge dated 19.03.2026 passed by the



learned Special Judge (PC Act) (CBI)-10, Rouse Avenue Courts Complex, New Delhi ('Special Judge'), whereby charges have been framed against the petitioner under section 61 of the Bharatiya Nyaya Sanhita ('BNS') read with section 7 of Prevention of Corruption Act, 1988 ('PC Act') and under 7 of the PC Act.

2. After a brief hearing in the matter, Mr. K.C. Mittal, learned counsel appearing for the petitioner submits, that the principal plank of the petitioner's challenge is that charges have been framed against him *inter-alia* for the offences under the PC Act despite the petitioner's contention being that the transcript of the conversation produced by the respondent/Central Bureau of Investigation ('CBI') is at variance with the actual conversation.
3. Mr. Mittal submits, that in light of this contention, the learned Special Judge had called for the voice recording relied upon by the CBI to be played in court. However, the learned Special Judge has thereafter proceeded to pass the order on charge and the order framing charges, without hearing the audio recording.
4. In support of his submission, Mr. Mittal has drawn attention to orders dated 08.01.2026, 20.01.2026 and 23.02.2026 passed by the learned Special Judge. Orders dated 08.01.2026, 20.01.2026 and 23.02.2026 have been handed-up in court and are taken on record.
5. A combined reading of the orders shows that on 08.01.2026, considering the petitioner's contention about the transcripts, the court had requisitioned the MHC(M) to produce the CDs containing the audio recording, obviously with the intention of hearing the conversations. Thereafter, on 20.01.2026 when the matter was to be



considered in relation to the correctness of the transcript of voice recording, due to paucity of time, the voice recording was not heard and the MHC(M) was directed to produce the voice recording again on the next date. Lastly, on 23.02.2026, the learned Special Judge observed as follows :

*“Considering the facts and circumstances, this request of the accused no.1 is kept open to be considered at the time of considering the whole material of the case for the purpose of framing of charge.”*

6. Mr. Mittal argues however, that despite what was recorded in the aforesaid orders, the learned Special Judge has proceeded to pass the impugned orders without hearing the audio recording.
7. Issue notice.
8. Mr. Ripudaman Bhardwaj, learned SPP appears for the respondent/CBI on advance copy; accepts notice; and submits, that the authenticity of the transcript of the conversations is a matter to be considered during trial, and there was accordingly no necessity for the learned Special Judge to have heard the audio recordings at the stage of framing of charge.
9. Mr. Mittal however counters this, to submit that in the case involving offences under the PC Act, the making of a demand of bribe is the foundational element of the offence; and if the audio conversations are not heard, the petitioner may have to suffer a prolonged trial without there being any basis to the CBI’s allegations.
10. Considering the contours of the matter, in view of the prayer made, and in particular in light of what is recorded in orders dated 08.01.2026, 20.01.2026 and 23.02.2026, this court considers it



appropriate to dispose-of the present petition, with the following directions:

- 10.1. Orders dated 07.03.2026 and 19.03.2026 are set-aside *only on the ground* that having called-for the audio recordings, the learned Special Judge did not hear the same, and as noted in paras 25 and 26 of order dated 07.03.2026, the learned Special Judge has proceeded on the basis of the voice identification memos dated 11.12.2024 and 12.12.2024 of the audio recordings produced by the CBI and the CFSL report, which corroborates the authenticity of the voice examination;
- 10.2. The learned Special Judge is directed to hear the audio recording, and to then proceed to frame charges in the matter, as may be considered appropriate, in accordance with law.
11. The petition is disposed-of with the above directions.
12. Pending applications, if any, also stand disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**MAY 15, 2026/ak**