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

Date of decision: 20.09.2019

+ CRL.REV.P. 995/2019

CENTRAL BUREAU OF INVESTIGATION Petitioner
Through: Mr.
Nikhil Goel, SPP, CBI with Ms.
Naveen Goel, Mr. Dushyant
Sarna and Mr. Piyo Harold, Advs.

versus

VALLALORE RANGASWAMY NATARAJAN Respondent
Through: None

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL.M.A. 36308-09/2019 (Exemptions)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of accordingly.

CRL.REV.P. 995/2019 and CRL.M.A. 36307/2019 (Stay)

3. Vide the present petition, the petitioner seeks direction thereby to set aside the impugned order dated 01.08.2019 passed by the Ld. Special Judge, (PC Act) CBI-XIII, Rouse Avenue District Court in Case RC

AC-1/2012 (A)/0004 to the extent that it requires the CBI to produce FR-I/Crime File.

4. Learned counsel for the petitioner submits that FR-I can only be summoned under exceptional circumstances. This Court has opined in order dated 26.04.2019 in *Criminal Revision Petition No. 729/2018*, as follows:

“Upon hearing and on perusal of the impugned orders, I find that as per the mandate of Section 172 of Cr.P.C., the custody of the diaries has to be with the Investigating Officer. So, direction of the trial cannot be sustained. As regards 'FinalReport'- Part 1 is concerned, it is an internal document of CBI to which access in normal course is not to be made.

However, under exceptional circumstances, FR-1 can be summoned by the Court for its exclusive perusal, if necessary but not as a routine. The direction in the impugned orders to deposit the case diary and FR-1 of all the pending cases before the Pairavi Officer or learned Prosecutor is unjustified and is hereby quashed.

Needless to say that the trial court is empowered to summon the case diaries, as and when required but the case diaries are not required to be retained as a routine.”

5. On perusal of the aforesaid order, it is clearly mentioned that as per the mandate of Section 172 of Cr.P.C., the custody of the diaries has to be with the Investigating Officer. It is clearly mentioned that under

exceptional circumstances, FR-I can be summoned by the Court for its exclusive perusal, if necessary but not as a routine.

6. It is not in dispute that the FR-I can be summoned under exceptional circumstances, if necessary.
7. On perusal of order dated 01.08.2019, learned Special Judge though summoned the FR-I, did not disclose as to what were the exceptional circumstances under which the said FR-I/Crime File was summoned.
8. In view of the above, without going into the controversy further, I hereby set aside the impugned order dated 01.08.2019 to the extent of summoning of FR-I/Crime File and remand the case back to the learned Special Judge to pass order afresh by giving reasons as to what are the exceptional circumstances due to which FR-I/Crime File is required.
9. In view of the above, the present petition is disposed of. Pending application also stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

SEPTEMBER 20, 2019

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