

**IN THE COURT OF SHRI PULASTYA PRAMACHALA,
SPECIAL JUDGE CBI - 13, (PC ACT)
ROUSE AVENUE DISTRICT COURT, NEW DELHI.**

CBI No. 137/2019

CBI v. R.S. Gupta & Ors.

RC-3A/(1993)/ACU-I/CBI/New Delhi

U/s. 120-B/420/467 of IPC r/w. Sec. 13(2) r/w. Sec. 13(1)(d) of PC Act, 1988

28.08.2020 (At 10:20 AM)

Presence: Sh. Neelmani, Id. PP for CBI along with HIO/SI Divyanshu Dagar.

Sh. Kumar Gaurav, Id. counsel for applicant.

Sh. Daljeet Singh (reader), Sh. Tarun Aggarwal (ahlmad) and Sh. Rajeev Kumar (PA) of this court.

(Through Cisco Webex Meeting App)

In continuation of previous order, hearing of this application is being hosted by Sh. Daljeet Singh, reader of this court and it is certified that audio and video quality of the hearing is satisfactory.

A reply on behalf of CBI was sent through e-mail by SI Divyanshu Dagar. Copy of the same was forwarded to Id. counsel for applicant.

The applicant Smt. Sita Yadav had furnished surety bond under Section 437A Cr.P.C in respect of accused Sh. Brahm Prakash Yadav. Accused Sh. Brahm Prakash Yadav has been acquitted by this court in this case vide judgment dated 14.08.2019.

According to reply of CBI, an appeal against aforesaid judgment has been filed by CBI before High Court of Delhi on 06.08.2020 and the said appeal is likely to be listed after 31.08.2020,

due to restricted working of the High Court of Delhi. Ld. counsel for applicant submitted that court has to pass order as per rule.

As per Section 437-A Cr.P.C., the bail bond furnished under this provision shall remain in force for six months only. This provision does not provide any power/discretion to the trial court to extend the period of six months. Therefore, apparently this is beyond power of this court to extend that period of six months, which started running since 14.08.2019.

The CBI was duty bound to take care of such mandate and they should have acted accordingly. Therefore, on account of delay caused by CBI, this court cannot pass order beyond the legal provision.

The application, thus, has to be allowed and accordingly, it is directed that all the endorsement made on the document of applicant be cancelled as the applicant stood discharged as surety on the lapse of six months from 14.08.2019.

This order has been passed at my residential office and copy of digitally signed order is being transmitted to ahalmad electronically for compliance and for uploading on the website.

(Pulastya Pramachala)
Special Judge (CBI-13), PC Act,
RADC, New Delhi/28.08.2020