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

+ CRL.M.C. 8952/2024

GAUTAM GAMBHIRPetitioner

Through: Mr.Mukul Rohatgi, Sr. Advocate,
Mr.Sandeep Sethi, Sr. Advocate with Mr.Paritosh
Budriraja, Mr.Pawan Gulati, Ms.Divya,
Ms.Larika, Mr.Akash, Mr.Sumer and Ms.Ria,
Advocates

versus

THE STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Laksh Khanna, APP for State with
SI Arun Ahlawat
Mr.Hariom, Advocate for respondent Nos.2 to 4
Mr.Prashant Ghai, Advocate for respondent No.7

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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18.11.2024

CRL.M.A. 34274/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 8952/2024

1. By way of present petition, the petitioner seeks setting aside of the impugned order dated 29.10.2024 passed by the learned Special Judge (PC Act) (CBI)-24 (MP/MLA Cases), RADDC, New Delhi in Criminal Revision No. 26/2023.
2. Issue notice.
3. Learned APP for the State as well as learned counsels for the respondent Nos.2 to 4 and 7 accept notice. Learned counsels for the respondents seek a copy of the petition. Let the same be supplied to them



during the course of the day.

4. Notice be also issued to respondent Nos.5 and 6 by all permissible modes, returnable on 31.01.2025.

5. Reply/Status Report, if any, be filed.

CRL.M.A. 34273/2024 (Interim Stay)

1. By way of present application, the petitioner seeks grant of an ex-parte ad-interim and interim stay of the order dated 29.10.2024 passed in Criminal Revision No. 26/2023.

2. Mr.Mukul Rohatgi, learned Senior Counsel for the petitioner submits that the present FIR No.166//2015 registered under Sections 406/420/34 at P.S. Economic Offences Wing pertains to the year 2015 and the allegations against the present petitioner are confined to only one of the accused companies i.e. M/s Rudra Buildwell Realty Pvt. Ltd. in which, the petitioner was appointed as an Additional Director for a brief period of time w.e.f. 29.06.2011 to 01.10.2013. In the said period, the petitioner did not attend even a single Board Meeting. Rather, he himself is a victim as he had advanced a loan of Rs.6 crores out of which, he received a sum of Rs.4.85 crores, that too, by way of instalments spread over a period of five years. He submits that there is no allegation that any of the victims came in touch with the present petitioner or that he induced any of them to invest in the project.

3. Issue notice.

4. Learned APP for the State as well as learned counsels for the respondent Nos.2 to 4 and 7 accept notice. Notice be also issued to respondent Nos.5 and 6 by all permissible modes, returnable on 31.01.2025.

5. Reply, if any, be filed.



6. Indisputably, after investigation, the chargesheet came to be filed keeping the petitioner in column No.12. Though initially, learned ACMM had summoned all the accused persons including those whose names were kept in column No.12, however, vide the order dated 10.12.2020, the trial court discharged the present petitioner while observing that no ingredients of the offence are made out. On a challenge by the complainants, vide the impugned order learned Sessions Court had remanded back the matter for reconsideration. It is contended on behalf of the petitioner that the impugned order is passed without due appreciation of the aforesaid facts but on the ground that the petitioner besides being an Additional Director was also a brand ambassador of the accused company. Notably, the chargesheet itself states that a sum of Rs.4.85 crores received by the petitioner was against the sum of Rs.6 crores that was advanced by him to the company.

7. On a prima facie consideration of the aforesaid submissions, this Court deems it apposite to direct that the impugned order qua the present petitioner shall remain stayed till the next date of hearing.

MANOJ KUMAR OHRI, J

NOVEMBER 18, 2024

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