

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).8535/2024

(Arising out of impugned final judgment and order dated 12-03-2024 in CC No.10/2019 passed by the SPECIAL JUDGE (PC Act) (CBI), (Coal Block Cases) - 02, New Delhi)

ASHOK DAGA

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 12-07-2024 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Ms. Sonam Gupta, AOR
Mr. Saumay Kapoor, Adv.
Ms. Jemtiben Ao, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. The learned senior counsel, Mr. Dave for the petitioner has pointed out para 56 of the impugned order, which reads as under:-

"56. The only effect of such a deliberate denial will be on the question of sentence that will be passed against him, if he is convicted. His conduct in deliberately denying the genuineness of a document may be taken as an aggravating circumstance while determining quantum of sentence because it will lead to prolonged trial. Other than this, there is no effect of such a deliberate denial."

2. After having heard the learned senior counsel, Mr. Dave for the petitioner and having perused Section 294 of Cr.P.C., we are of the opinion that calling upon the accused to admit or deny the genuineness of the documents produced by the prosecution alongwith the list under Section 294 of Cr.P.C., could not be said to be in any way prejudicial to the right of the accused, nor could it be said to be compelling him to be a witness against himself as contemplated under Article 20(3) of the Constitution of India.

3. In that view of the matter, we are not inclined to interfere with the impugned order. However, the observations made in para 56 are deleted.

4. It is needless to say that the petitioner - accused shall be at liberty to raise all the contentions, as may be legally permissible during the course of trial.

5. Subject to the above, the Special Leave Petition is dismissed.

6. Pending applications, if any, shall stand disposed of.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
COURT MASTER (NSH)