

IN THE COURT OF MS. NIRJA BHATIA, SPECIAL JUDGE, PC
ACT (CBI)-03, ROUSE AVENUE DISTRICT COURT,
NEW DELHI

CBI Vs. Vinay Mittal
Misc. IA No. 1/2020
RC No. 12(E)/2016

03.09.2020

Pr. : Sh. Praneet Sharma, Id. Sr. PP for CBI.
Sh. Misbah Khan, Id. Counsel for the applicant/accused.

The matter was taken up physically as per duty roster No. E-10559-10644/Power Gaz./RADC/2020 dated 28.08.2020.

The present application is moved by accused Vinay Mittal (applicant herein) for his release as per order dated 18.08.2020 of Hon'ble High Court in matter titled Vinay Mittal vs. Union of India, WP (Crl.) 562/2019, wherein, it is submitted that the applicant is accused in the present proceedings, however, he has been released in the aforementioned WP(Crl.) on the ground that he cannot be arrested till the pending extradition request is acceded to by the Republic of Indonesia and accordingly, Hon'ble High Court was pleased to set aside the order of arrest of applicant/accused in six cases including the present case. It is also submitted extradition request qua the applicant/accused is still pending with the Republic of Indonesia but the same has not yet been granted and in consonance with the directions of Hon'ble High Court dated 18.08.2020, the accused/applicant deserves to be released.

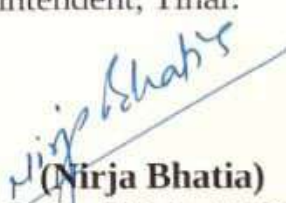
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Ld. Sr. PP stands provided with the scanned copy of the application alongwith order of Hon'ble High Court. He has gone through the same. However, submits that he needs to seek instructions.

It be observed that while the order was made, CBI was represented by Sh. Ripudaman Bhardwaj, ld. SPP, in view of which, it is well understood that the proceedings and the present order are within the knowledge of CBI, which fact is also concurred by ld. Sr. PP.

Having regard to order dated 18.08.2020, any further detention of the applicant/accused is to be termed contrary to the settled propositions of law as it is not denied that the instant case i.e. RC No. 220 2016 E 0012 is also mentioned as (vi) in para 9. Accordingly, it is directed that the production warrants in the present case be withdrawn and the applicant/accused be released from JC, if he is not required in any other case. He may be prosecuted after receipt of extradition order from the competent authority. Application is disposed off accordingly.

Copy of the order be sent to the Jail Superintendent, Tihar.


(Nirja Bhatia)
Spl. Judge PC Act (CBI)-03,
RADC, New Delhi/03.09.2020