

IN THE COURT OF SH. ASHOK KUMAR, DUTY MM CUM ACMM-2,
ROUSE AVENUE COURT COMPLEX, NEW DELHI

CBI VS Gurvinder Kaur and Ors.
RC No. 4(S)/2001/SCU-1/CBI/SC-1

02.06.2020

Present: Sh. Amit Jindal, Ld. PP for CBI
 Sh. Sanjeev Malik, Ld. Counsel for applicant/accused Virsa
Singh.

Inspector Viajy Kumar Verma, on behalf of CBI.

In view of the prevailing pandemic of COVID-19 as per directions of Hon'ble High Court and Ld. District Judge, the application for seeking early hearing for cancellation of LOC no. 2015415249 issued against the applicant is being heard through Video Conferencing using CISCO-WEBEX App from my own residence. The link has been sent by Court Official deputed by Ld. District Judge.

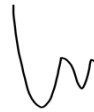
I have heard on the application dated 01.06.2020 seeking early hearing for the relief to direct the prosecution to cancel the LOC No. 2015415249 issued against the applicant Virsa Singh. It is stated that the accused pleaded guilty on 02.03.2020 on which he was convicted and sentenced to TRC and fined. It is further stated that the applicant underwent the sentence and also paid the fine. Copy of the judgment and fine receipt is annexed with the application. It is further orally submitted that there is an urgency to deal with the application since the applicant is a citizen of USA and his family is waiting for him which is already in the USA.

This position is not disputed by the Ld. PP who has chosen only to orally contest the application before this virtual court even though written reply to the application was submitted to the trial court. Ld. PP has not opposed the application on merits but requested time so that CBI may file appeal seeking enhancement of sentence and so it is requested that the application be kept pending. Ld. PP also requested this court to impose appropriate conditions on the applicant so that he does not flee the course of justice for example directing him to file the bail bonds u/s 437A Cr.PC and adequate security etc.

In my view the Ld. PP should have requested the trial court for such conditions.

In view of the oral submissions of the counsel for the applicant that the family of the applicant is in USA and that the applicant who is a citizen of USA wants to go to the place of his adopted country, the

application is allowed. Further as far as the submission of Ld. PP to keep the application pending so that CBI may file the file, this court take notes of the fact that CBI has not taken any steps to file the appeal even though the judgment of conviction date as far back on 02.03.2020 and in view of the urgency cited by the applicant, it would not be in the interest of justice to keep the application pending. The CBI is directed to cancel the LOC No. 2015415249. **However, the Ld. Counsel is directed that he will furnish the physical copies of the application and all the record filed electronically alongwith necessary fees and the charges applicable, when the court resumes its normal functioning. Copy of this order be sent by the concerned court official to the counsel as well as to the PP/IO as per the guideline framed by Ld. District Judge through electronic mode/email. Copy of this order be also uploaded on the official Website of Delhi District Court. A copy be retained for being sent to the concerned court as soon as the normal functioning of the court begins.**



(ASHOK KUMAR)
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DELHI-02.06.2020