

Neelam Sibal Vs State

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Court : Delhi

Decided On : Aug-11-2010

Judge : Mr. Sanjiv Khanna, J.

Appeal No. : Crl. M.A. No.13547/2010 in W.P. (Crl.) No.847/2010

Appellant : Neelam Sibal

Respondent : State

Advocate for Def. : Ms. P.Mallikarjune, Mr.Saleem Ahmed, Advs.

Advocate for Pet/Ap. : Ms.Manisha Bhandari , Mr.Omkar Shrivastava, Advs.

Judgement :

ORDER

While granting interim protection vide order dated 4th June, 2010, it was directed that the petitioner, who is applicant herein, would co-operate with the investigation and join the same. On the next date of hearing, it was alleged by the State that the petitioner is not joining investigation. With the consent of the counsel for the petitioner, order dated 27th July, 2010 was passed that she should appear before the Investigating Officer on 6th August, 2010 at 12.00 Noon. The petitioner did not appear before the Investigating Officer on 6th August, 2010 and the present application has been filed on or about 10th August, 2010, stating, inter alia that the Investigating Officer should interrogate the petitioner at Mumbai. Reliance is placed on Section 160 of the Code of Criminal Procedure, 1973 and the judgment

of the Supreme Court in Nandini Satpathy v. P.L. Dani and Another, AIR 1978 Supreme Court 1025. However, learned counsel for the petitioner has fairly pointed out that in a subsequent decision of the Supreme Court in State represented by Inspector of Police and Others v. N.M.T. Joy Immaculate, AIR 2004 SC 2282, it has been held that Section 160 Cr.P.C. is not applicable to an accused. In the present case the order dated 27th July, 2010 should have been complied with. It was directed that the petitioner should come to Delhi for interrogation. Counsel for the petitioner had consented to the said direction. I am inclined to withdraw the interim protection for failure of the petitioner to comply with the said order. However, one last opportunity is granted to the petitioner to appear before the Investigating Officer on 16th August, 2010 at 12.00 Noon. The application is disposed of.

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