

ITEM NO.101

COURT NO.3

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

SPECIAL LEAVE PETITION (CRIMINAL) .....Diary No(s).39528/2018

(Arising out of impugned final judgment and order dated 08-04-2016 in CRLA No.1598/2013 passed by the High Court of Delhi at New Delhi)

MUKESH SINGH

Petitioner(s)

VERSUS

STATE (NARCOTIC BRANCH OF DELHI)

Respondent(s)

(FOR ADMISSION and I.R. and IA No.154077/2018-CONDONATION OF DELAY IN FILING and IA No.154080/2018-EXEMPTION FROM FILING O.T. [ TO GO BEFORE THREE HON'BLE JUDGES ] [ TOP OF THE LIST ] )

WITH

SLP(CrL) No. 5648/2019 (II-C)

(FOR ADMISSION and I.R. and IA No.89559/2019-CONDONATION OF DELAY IN FILING)

SLP(CrL) No. 5894/2019 (II-C)

(FOR ADMISSION and I.R. and IA No.93147/2019-CONDONATION OF DELAY IN FILING)

Date : 12-09-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s)

In D.No.39528/18

Mr.Ajay Garg, Adv.

Ms.Tripti Gola, Adv.

Ms.Varnika Bajaj, Adv.

Mr.Mani Shanker, Adv.

Mr. Rajiv Shankar Dvivedi, AOR

For Respondent(s)

In D.No.39528/18

&amp; for petr.in

SLP(CrL.)5648/19

&amp; 5894/19

Mr.Aman Lekhi, ASG

Mr.Ashok K.Srivastava, Sr.Adv.

Ms.Shraddha Deshmukh, Adv.

Mr.Saurabh Mishra, Adv.

Mr.Kannu Aggarwal, Adv.

Mr. B. V. Balaram Das, AOR

Mr.B.K.Prasad, Adv.

.....2/-

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

A two-Judge Bench of this Court, while disagreeing with the view taken by a three-Judge Bench of this Court in *Mohan Lal v. State of Punjab*, (2018) 17 SCC 627 has referred the matter to a larger Bench *vide* order dated 17.01.2019. This Court in the *Mohan Lal* (supra) case held that the trial would stand vitiated if the complainant is the investigating officer. The two-Judge Bench of this Court, on the other hand, took the view in the referral order that while the fact that the complainant had himself conducted the investigation would be an aspect that would be given weightage while assessing the evidence on record, the same could not be said to vitiate the trial itself.

Having heard learned counsel for the parties and perusing the material placed before us, we are of the considered opinion that the issue involved in the instant matter needs to be resolved by a larger Bench.

We, therefore, direct the Registry to place the papers before Hon'ble the Chief Justice of India to constitute a larger Bench of five Hon'ble Judges to consider the matter.

(SATISH KUMAR YADAV)  
AR-CUM-PS

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR