

CBI Vs C.K.Ramakrishnan & ors.

C.C No.: 25/2022

CNR NO.: DLCT-11-000022-2021

18.04.2022

Present: Sh. Rajan Dahiya, Ld. Sr.PP and Sh. Naveen Giri, Ld.PP for CBI assisted by Sh. Bijender Singh, Advocate for National Fertilizers Limited (NFL) alongwith HIO SI Gaurav Soam. A-1 C. K. Ramakrishnan with Ld. Counsel Ms. Kavita Sharma.
A-2 D. S. Kanwar with Ld. Counsels Sh. Ajit Kumar Singh and Sh. Shrish Kohli.
A-3 M. Sambasiva Rao with Ld. Counsel Sh. Ajay Digpaul.
A-4 S. Nuthi is absent despite issuance of B/Ws.

Today, case is listed for appearance of the Accused A-3 M. Sambasiva Rao and A-4 S. Nuthi who were also summoned as Accused vide Order dated 25.03.2022.

The earlier process which was issued against A-3 M. Sambasiva Rao was received back with the report that he is not available at the address. On the Last date i.e. 08.04.2022, Ld. Counsel for NFL who is assisting Ld. Sr. PP and Ld. PP for CBI shared the address of A-3 M. Sambasiva Rao which has been filed by him as a convict in Appeal No.919/2018 before the Hon'ble High Court of Delhi i.e. 1159, Venkalagiri, P.A.Y.V. Palam, District Hyderabad-29. Process received qua this address reveals that this address is wrong.

Today, this accused A-3 M. Sambasiva Rao has appeared with his Counsel. On being asked, a Vakalatnama is filed. Perusal of the Vakalatnama shows that it does not contain any address of this accused.

Bail application u/s 439 Cr.P.C is also filed by this accused. That too does not carry any address of the accused.

Upon being asked, Ld. Counsel for the accused has, at this stage, added one address in the Vakalatnama and filed it back to the Court. On account of this accused's previous conduct of not furnishing complete/correct address in the Criminal Courts as done by him in this Court as well as in the Hon'ble High Court, the Court has asked for the address proof of this address furnished today.

At this stage, a Aadhar Card of this accused is shown to the Court. Upon comparison it is found that the address furnished today in this Court is also incomplete/incorrect and is not in accordance to the Aadhar Card. It is evident that not only this accused has shifted from his address, but the address filed by this accused before the Hon'ble High Court is incomplete/wrong address and for the same reason it could not be located by the CBI officials when they attempted to reach him with Court Process. Ld. Counsel for A-3 undertakes to move appropriate application before Hon'ble High Court in the Appeal subjudice against Judgment of Conviction of Accused, for correction and for placing on record his current complete address.

The above conduct of this accused of furnishing wrong addresses with the Courts repeatedly and not updating his address in the Court Records is not appreciated. CBI to verify the address furnished by this Accused today, by next date of hearing.

Issue notice of application u/s 439 Cr.P.C filed by this accused to the CBI. Now, to come up for hearing of Bail Application of A-3 on 21.04.2022. At the request of Ld. Counsel for this accused, date for

hearing the bail application of the accused is changed to **19.04.2022 i.e. tomorrow**. Meanwhile owing to the above conduct of this Accused, he is remanded to J/C. Jail Superintendent is directed to give Medical Attention to A-3 M. Sambasiva Rao.

No reply to the bail application of A-2 D. S. Kanwar has been filed by the CBI today despite opportunity.

Process sent to A-4 S. Nuthi received back un-executed. The report reveals that the Accused A-4 S. Nuthi is not living at the given address and rather some tenant of his is staying there. The Sub Inspector who took process could locate him at some hospital, but still the current residential address was neither ascertained by the CBI Official nor shared with this Court. It is surprising to observe that such is the poor professionalism of the CBI Official that even though he could reach the accused, but could not ascertain/verify the correct address of the accused even from the Hospital Records or meet his attendant so as to execute the B/Ws issued against this accused. Issue fresh B/Ws against A-4 S. Nuthi in the sum of Rs.25,000/- with one surety to be executed by the Officer not below the rank of Inspector for next date of hearing. Owing to unuseworthy B/W Execution Report of CBI, the Court is again constrained to issue fresh B/Ws at an address where A-4 is reported to be not available.

Copy of this Order be placed before HoB, CBI to look into the matter and take appropriate correctional steps to apprise the CBI Officials for becoming more professional and inquisitive while executing the Processes.

List on **29.04.2022** for appearance of A-4 S. Nuthi. In the meantime, interim bails of A-1 C.K. Ramakrishnan and A-2 D.S. Kanwar are extended till next date of hearing on the Bail Bonds already furnished.

(SURINDER S. RATHI)
SPECIAL JUDGE-05, CBI (PC ACT)
RADC, NEW DELHI/18.04.2022