

CNR No. : DLCT11-000083-2021
Case No. : CBI 14/2021
FIR No. : RC DAI 2015-A-0036
U/Sec. : 13(2) r/w 13(1)(e) of PC Act.
Branch : CBI/ACB/New Delhi.

CBI v. Nalin Kumar

26.04.2023.

Present: Ms. Jyoti Solanki, Ld. PP for CBI.
Accused Nalin Kumar with Ld. Counsel, Sh. Shri Singh.

Ld. Counsel for accused filed reply to the application filed by CBI for placing on record the additional list of document and additional list of witnesses. Copy supplied.

Arguments heard.

Ld. Counsel for CBI submits that inadvertently the original document i.e. Locker-cum-Observation Memo in RC 21(A)/2015-DLI dated 18.08.2015 regarding Locker Operation of Allahabad Bank, City Office, Amroha Gate Moradabad (UP) (Page No.01-04) (MR No.II Item No.VI Sl. No.1) could not be included in the list of documents during filing of charge sheet.

It is submitted that Shri Jag Pravesh Chamoli, UDC GM(CA), BSNL, New Delhi, Shri Shiv Singh Rawat, Sr. TOA, GM (BFCI), BSNL, Delhi have already been cited in the list of witnesses at Sl. No. 22 & 23. The witnesses Shri Kamlesh Rastogi, Shri Dinesh

Chauhan, Shri Sanjay Upadhyay and Shri Ramesh Kumar are required to be added as additional witnesses.

Ld. Counsel for accused vehemently objected to the submissions made by the counsel for CBI. Ld. Counsel for accused submits that there is delay and negligence on the part of CBI. It is submitted that on 06.12.2022, an application filed by CBI for placing on record additional documents was allowed. It is submitted that CBI was not careful in filing all the documents alongwith chargesheet and are filing the documents in piecemeal, which is affecting their defence, particularly, when they have already addressed arguments on charge.

I have gone through the material on record.

CBI intends to place on record the document i.e. Locker-cum-Observation Memo in RC 21(A)/2015-DLI dated 18.08.2015 regarding Locker Operation of Allahabad Bank, City Office, Amroha Gate, Moradabad (UP), which, as per CBI, could not be placed on record inadvertently and they want to file additional list of witnesses related to the said seizure memo.

In view of the judgment 'CBI v R. S. Pai, Appeal (crl.) 1045 of 2000' passed by Hon'ble Supreme Court and keeping in view the interest of justice, the application filed by the CBI for placing additional list of document and additional list of witnesses is allowed.

The additional document is taken on record. The additional list of witnesses is also taken on record.

Needless to say that there is negligence on the part of CBI . CBI shall remain careful in future.

The application filed by CBI is, accordingly, disposed of.

Further arguments on charge heard.

Parties are at liberty to file written submissions, if any, within 15 days with advance copy to opposite party.

Put up on **29.05.2023** for consideration on charge.

(ARVIND KUMAR)
Special Judge (PC Act) (CBI)-10
Rouse Avenue Courts Complex
New Delhi/26.04.2023.(pk)