

CNR No. DLCT11-001429-2019

CC No. 354/2019

CBI Vs. Rakesh Tiwari & Ors.

28.09.2021

Present : Ms. Shashi Tiwari, Ld. PP for CBI alongwith IO/DSP Kailash Sahu.

A-1 Rakesh Tiwari on bail with Sh. Ajit K. Singh, Sh. Deepak Badana and Ms. Anukriti, Advocates.

Sh. Neeraj, Advocate for A-3 Rohit Srivastava. Ld. Counsel for A-3 has filed an application seeking exemption from personal appearance of accused. Heard. Exemption of accused is allowed only for today.

A-4 Rabindra Pardhan on bail with Sh. Harsh K. Sharma and Ms. Bhumika Yadav, Advocates.

Hard copies of the replies filed by the IO to the applications of A-3 U/s 207 CrPC and A-4 U/s 91 CrPC and 207 CrPC.

As far as the application of A-3 U/s 207 CrPC is concerned, the document mentioned in para 1.a. i.e. Letter dated 05.10.2018 is already on record as document D71. No further directions can be given for this document. The letter dated 28.01.2020 mentioned in sub-para b of this paragraph is claimed by IO to be reminder to the letter seeking sanction for prosecution. IO is directed to file and provide the copy of this document. For the other documents mentioned in this application, the same are not pressed except the CDR in OCR format. Similarly, the counsel for A-4 has not pressed his application U/s 207 CrPC.

As far as the application of A4 U/s 91 CrPC is concerned, Ld. Counsel for the applicant in support of his application, has relied upon the order of Hon'ble Supreme Court passed in *Suo Moto Writ (Crl) No.(s) 1/2017 dated 20.04.2021 in RE: To issue certain guidelines regarding inadequacies and deficiencies in Criminal Trial Vs. The State of Andhra Pradesh & Ors.*, specifically para 11. Copy of the judgment provided to Ld. PP. In view of the directions of the Hon'ble Supreme Court passed in above mentioned matter, the prosecution is directed to supply the list of all the documents seized, statements recorded and articles taken in possession but not relied upon to all the defence counsels. The Ld. Counsel for applicant/A-4 submits that in view of these directions, he is not pressing his application U/s 91 CrPC.

Coming to the applications U/s 207 CrPC, the only prayer left in these applications is for providing OCR format of the CDRs. IO is present but is not able to give satisfactory reply as to why the CDRs are not in serial order as per the dates of the calls. The document D64 shows that all these call details have been provided by only one service provider namely Vodafone. Let the Nodal Officer, Vodafone be called for the next date of hearing for clarification. IO to be present in person on next date as well.

Put up for further orders on this aspect on **27.10.2021**.

(AMIT KUMAR)
Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi
28.09.2021