

CNR No. DLCT11-001429-2019
CC No. 354/2019
CBI Vs. RAKESH TIWARI & ORS.

23.01.2023

Present : Ms. Shweta Dhingra Ld. PP for CBI.

A1 Rakesh Tiwari is absent.

Ms. Anukriti and Sh. Deepak Bhadana, Ld. Counsel(s) for A1. Ld. Counsel for A1 has filed an application seeking exemption from personal appearance of A1. Heard. Exemption of A1 is allowed only for today.

A3 Rohit Srivastava is on bail with Sh. Neeraj, proxy counsel for Sh. Amit Tiwari, Ld. Counsel for A3.

A4 Rabindra Pradhan is absent.

Sh. Rishabh Sharma, proxy counsel for Sh. H. K. Sharma, Ld. Counsel for A4. He has filed an application seeking exemption from personal appearance of A4. Heard. Exemption of A4 is allowed only for today.

Sh. Kanhaiya Singhal, Ld. SPP for Income Tax Department.

Today the matter is fixed for argument on the point of charge on behalf of accused persons as well as for arguments and disposal of the application of Income Tax Authorities under Section 451 of Cr. P. C.

Ld. SPP for Income Tax Department submits that he does not want to file the counter reply to the reply filed by A1 to the application of Income Tax Authorities filed under Section 451 Cr. P. C. and further seeks time to argue his application on the ground that Income Tax Authority have issued notice to A1 to appear before them in connection to the case and jewellery seized from his residence as well as the property deal with Sh. Ram

Kishore Aggarwal and whether he appeared before the authorities or filed his reply or not is essential to argue this application. Though, there was sufficient time with the counsel to ascertain this fact from the Income Tax Authorities, yet considering the fact that even the counsel for A1 is not available today, request is allowed.

Reply filed by CBI to the application filed by A1 seeking direction for the release of the letter dated 19.06.2019 alongwith enclosures mentioned at the serial no. 37 in the unrelid List of Documents. Copy supplied.

Ld. Counsel for A1 seeks adjournment for addressing the arguments on the point of charge on the ground that main counsel is not in Delhi as he has to appear before Orissa, High Court.

Ld. Proxy Counsel for A3 and A4 also seek adjournment on the ground that main counsel(s) are not available today.

On 03.01.2023, Ld. Counsel for applicant /Approver has filed his itinerary from 07.01.2023 to 16.01.2023 in compliance of order dated 23.12.2021. Same be taken on record.

On 13.01.2023, Ld. Counsel for applicant /approver has filed undertaking of Neeraj Raja Kochhar regarding his arrival on 11.01.2023 to India from UAE (Dubai), for his itinerary from 07.01.2023 to 16.01.2023, in compliance of order dated 13.12.2022. Same be taken on record.

Put up for arguments on charge, disposal of the application of Income Tax Authorities under Section 451 Cr. P. C. and arguments on behalf of CBI to the aforesaid application dated 13.12.2022 of A1 on **06.02.2023**.

Last and final opportunity is granted to accused persons for addressing the arguments on the charge and Ld. SPP for Income Tax Department for addressing the arguments on application of Income Tax Authorities under Section 451 Cr. P. C.

Issue notice to HIO/DSP Kailash Sahu with the directions to appear in person on the next date of hearing.

(AMIT KUMAR)
Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi
23.01.2023