

CBI V/s Devender Gupta & Ors.
RC NO. 47(A)/99/CBI/ACB/ND
CNR No. DLCT11-000229-2019
CC no. 38/19

12.04.2023

Present : Sh. V. K. Pathak, Ld. Sr. PP for CBI with HIO Sanjay Malhotra.
Shri Gagan Minocha, Ld. Counsel for A-1.
Shri Bhavook Chauhan, Sh. Tushar Yadav and Sh. Rajat Gautam, Ld. Counsel(s) for A-2 & A-3.
Mr. Mohamad Shahrukh and Sh. Vishal Sharma, Ld. Counsel(s) for A-4, A-5 & A-6.
Shri H.R. Dhamija, Ld. Counsel for A-7.
Accused Devender Gupta and Govind Ram are absent.
Accused Anil Goel is present on bail.
Personal appearance of A-2 & A-4 is stated to be already exempted vide order dated 25.05.2011.
Personal appearance of A-3 & A-5 is stated to be already exempted vide order dated 30.04.2022.

Two separate applications for exemption from personal appearance have been moved on behalf of applicants/accused Devender Gupta and Govind Ram. Heard. In view of the ground stated, accused Devender Gupta and Govind Ram are exempted from personal appearance for today only subject to the condition that they shall not dispute to the evidence being recorded in their absence and shall not dispute their identity.

PW-49 Sh. Shiv Charan and PW-50 Sh. Shrawan Kumar are present, examined and discharged.

LW-67 Sh. T. S. Batra (Bhatia) is also present, however, it is submitted by the Ld. Sr. PP for CBI that he does not wish to examine this witness as his testimony is of no aid to the case of prosecution. The

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statement of Ld. PP for CBI in this regard has been recorded separately. In view of the statement of Ld. Sr. PP for CBI, LW-67 T. S. Batra is dropped from the list of witnesses.

Summons sent to LW-73 Anjana Gupta have been received back duly served, however, she has sent a request for exemption for today. Let this witness be summoned again.

Summons sent to LW-85 Sh. Gabbar Singh Rawat received back unserved with the report that due to paucity of time, the summons could not be served. Let this witness be against summoned again.

Summons sent to Ashok Kumar Gupta received back unserved. Let this witness be summoned against through IO.

At this stage, it is stated by the Ld. Counsel for accused no. 2 and 3 that his application for inspecting the unrelied upon documents has already been allowed and he has been permitted to inspect the unrelied upon documents in the malkhana of CBI, vide order dt. 10.03.2023. However, due to his busy schedule, he is not being able to visit the malkhana to inspect the unrelied upon documents, due to which he is not being able to prepare the cross-examination of the witnesses. He requests that the unrelied upon documents may be ordered to be deposited in the court where he can easily inspect them.

Considering the facts and circumstances and in the interest of justice, the prayer is allowed. IO is directed to deposit the unrelied upon documents in the court by the next date of hearing already fixed i.e. 21.04.2023.

Now, to come up for further PE on the date already fixed i.e. **21.04.2023**. Thereafter, to come up for further PE on **28.04.2023**. **PW-Vikas Goel be summoned for cross-examination on 28.04.2023.**

(Rakesh Kumar-III)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court/ND/16.03.23