

CC No. 38/2019
CNR no. DLCT11-000229-2019
RC No. 47(A)/1999/CBI/ACB/ND
CBI vs. Devender Gupta and Ors.

19.11.2024

Present: Sh. Raj Kamal, Ld. PP for CBI.
Accused Devender Gupta (A-1) is present on bail with
Ld. Counsel Sh. Gagan Minocha.
Sh. Bhavook Chauhan, Ld. Counsel for A-2 & A-3.
Anil Goel (A-6) is present on bail.
Sh. Sushil Bajaj and Sh. Mohd. Shahrukh, Ld.
Counsels for A-4, A-5 & A-6.
A-7 Govind Ram is absent.
Sh. H.R. Dhamija, Ld. Counsel for A-7.
**Personal appearance of accused nos.2 and 4 is stated to
be already exempted vide order dated 25.05.2011
through their Ld. Counsel.**
**Personal appearance of accused nos.3 and 5 is stated to
be already exempted vide order dated 30.04.2012
through their Ld. Counsel.**
PWs Sh. Pradeep Kumar (Sr. No.25) and Sh. Khajan
Chand Bhardwaj (Sr. No.5) are present.

An Application for exemption from personal
appearance has been moved on behalf of **A-7 Govind Ram**. In
view of the reasons stated in the application, **A-7** is exempted
from personal appearance for today subject to the condition that
he will not dispute the identity of the accused during course of
examination of the witnesses.

**PW69 Sh. Pradeep Kumar and PW70 Sh. Khajan
Chand Bhardwaj examined, cross-examined and discharged.**

Summons qua witness at **Sr. No. 4, 10, 18 and 24** not
received back.

Summons qua witness at **Sr. No. 2 Harchanda**, Helper, NDMC received with a report that father's name and date of birth of the witness is required for tracing out the witness.

Summons qua witness at **Sr. No. 6 Ms. Beena Jaiswal**, received back with a report that school has shifted to some other place.

Summons qua witness at **Sr. No. 8 Madhav Rao**, received back with the report that Corporation Bank has merged with Union Bank of India and HQ of the concerned Bank will provide the information.

Summons qua witness at **Sr. No. 9 Lokender Singh** received back with the report that name of the witness was not found in the official records of Income Tax Department.

Sh. Sheshnath Khushwaha, Punjab National Bank, witness at **Sr. No. 12 and Sh. Nitesh Gupta, Bank of India witness at Sr. No. 20** are present and state that in the year 2002, they were not posted in the said branch of the bank and the person for whom the summons were sent have been traced out and efforts are being made in this regard. Ld. PP submits that neither in the seizure memo nor anywhere else, name of the concerned person who had handed over the concerned documents is not mentioned. **Ld. PP submits that he will get the name and address of said concerned persons and will take appropriate steps to summon the said witnesses at Sl. No. 12 & 20 respectively.**

Ms. Bency Bovas, Indian Overseas Bank, witness at **Sr. No. 13** is present and states that some time be granted for tracing the whereabouts of the then Manager of the Bank.

Summons qua witness at **Sr. No.14 Sh. Sumer Chand Gupta, Chief Manager, SBI; Sr. No. 15 Branch Manager; Sr. No. 16 M.K. Sharma , Union Bank of India; Sr. No. 17 Satish, SBI** received with reports that HQ of the concerned Banks will provide the information.

Summons qua witness at **Sr. No. 19 Assistant Assessor and Collector, MCD** received with a report that new address provided. Let fresh summons be issued to the new address.

Summons qua witness at **Sr. No. 21 Yad Ram** received with a report that MCD, Civic Centre will provide the details.

Summons qua witness at **Sr. No. 22 Vimal Kumar** received back with a report that no such person was found working in Archit Holdings & Credits Limited.

Summons qua witness at **Sr. No. 23 Chief Manager, State Bank of Bikaner and Jaipur** received back with a report that address is not clear.

Summons qua witness at **Sr. No. 26 Dinesh Kumar Sharma** received with a report that the said witness has been expired. IO is directed to verify the factum of death of witness.

Summons qua witness at **Sr. No. 27 Sr. Branch Manager, Bank of Baroda & Sr. No. 28 S.C. Chhabra, Bank of Baroda** received back with reports that both the witnesses are not picking up the phones.

Shri K.D.S. Tomar, Junior Law Officer, MCD witness at **Sr. No. 29** is present in pursuance to summons issued to Sr.No.29. He submits that he was not posted in MCD at the relevant time and person who had handed over documents and participated in the proceedings is yet to be identified and efforts

are being made to identify him. He further submits that it is likely to take a weeks time to identify and clarify about the said person.

Summons qua witness at **Sr. No. 30 Assistant Commissioner (Engg)** received back with a report that office address mentioned in the summon has been shifted to some other place.

Ld. PP for CBI and Ld. Counsels for accused persons sought some time for filing relevant judgments in respect of application for re-examination of PW-45. Both the parties to file relevant judgments on or before NDOH.

Ld. PP will ensure that summons be issued to witnesses on subsequent dates in compliance to order dated 13.11.2024.

Now to come up on 27.11.2024 for remaining PE and for orders on application for re-examination of PW-45.

(Ankit Singla)
Special Judge (PC Act) CBI-02
RADC/New Delhi/19.11.2024