

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

06.12.2024

Present: Sh. Raj Kamal, Ld. PP for CBI.

A-1 Devender Gupta is present on bail with Ld. Counsel Sh. Gagan Minocha.

Sh. Tushar Yadav, Ld. Counsel for **A-2 & A-3**.

Anil Goel (**A-6**) is present on bail.

Sh. Sushil Bajaj and Sh. Vishal Sharma, 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.

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.

It is submitted by Ld. PP for CBI that no PW is present. He submits that he had applied for summons of 13 witnesses but no witness is present.

Summons qua **Manager, PNB Model Town as on 22.08.2000 mentioned at Sr. No.12** returned back. One Mr. Navneet Kumar, Chief Manager, PNB, Model Town Branch is

present and submits that in his branch no record pertaining to Manager, PNB, Model Town as on 22.08.2000 is available. He has requested for providing more details. Ld. PP submits that no other detail of the Manager, PNB Model Town as on 22.08.2000 is available with CBI. He submits that this witness may also be dropped. **Accordingly, witness at Sr. No. 12 in the list of additional witnesses, is dropped.**

Similarly, Ld. PP for CBI submits that one Sh. Milap Kapoor, Retd. General Manager, Indian Overseas Bank is present, in pursuance of summons served upon him. However, Sh. Milap Kapoor submits that he had not participated in the investigation. Sh. Milap Kapoor submits that he was Chief Manager of the concerned branch at that time but he cannot identify signature on the document. He submits that may be some other official of bank had participated in the investigation but since the signature are not readable, he cannot tell who had handed over the documents and participated in the investigation. Ld. PP submits that as it is not clear who had participated in the investigation on behalf of Indian overseas Bank, he wants to drop the witness at Sr. No. 13. **Accordingly, witness at Sr. No. 13 in the list of additional witnesses, is dropped.**

He submits that summons were sent to **Assistant Assessor and Collector, MCD, Najafgarh Zone** and Sh. Niranjan Kumar, Assistant Assessor and Collector, MCD along-with Sh. Ravinder Babu, LDC are present, who have stated that in their record, the detail of the-then Assistant Assessor and Collector, MCD, Najafgarh Zone (the official posted in 1986) is not

available. Ld. PP submits that he wants to drop this witness, in view of submission made by Sh. Naranjan Kumar. **Accordingly, witness at Sr. No. 19 in the list of additional witnesses, is dropped.**

Summons qua Deputy Manager, Bank of India mentioned at Sr. No.20 returned back. One Mr. Nitesh Gupta, Chief Manager, Bank of India, Malai Mandir Branch is present and submits that in his branch no record pertaining to Deputy Manager, Bank of India as on 18.02.2002 is available. He has requested for providing more detail. Ld. PP submits that no other detail of the Deputy Manager, Bank of India as on 18.02.2002 is available with CBI. He submits that this witness may also be dropped. **Accordingly, witness at Sr. No. 20 in the list of additional witnesses, is dropped.**

Summons qua witness **Sh. K.G. Dua** returned back with the report of service at CVC but office of CVC has not provided the detail of Sh. K.G. Dua. Ld. PP submits that more time may be granted to summon this witness as there is possibility of tracing the whereabouts of this witness.

Summons qua witness **Assistant Commissioner (Engg.)** returned back with report that there is no such post in MCD, HQ. Ld. PP submits that efforts are being made to trace the relevant person. More time is sought for summoning the concerned official who had participated in the investigation.

Summons qua witness **Chief Manager, SBI** mentioned at Sr. No. 14 and witness mentioned at Sr. No. 17, returned back

with report that same was served through E-mail by CBI through Corporate Centre, SBI, Nariman Point, Mumbai but neither witness is present, nor any detail has been furnished by Corporate Office, SBI, Nariman Point, Mumbai. More time is sought for summoning the concerned official who had participated in the investigation.

Summons qua witnesses **mentioned at Sr. No. 8, 15 and 16** belonging to Union Bank of India returned back with report of service at Headquarter but neither witness is present, nor any detail has been furnished by Headquarter. More time is sought for summoning the concerned official who had participated in the investigation. Ld. PP for CBI submits that since the names and addresses of the witnesses is not with CBI, the CBI requires time to ascertain the whereabouts of witnesses through respective HQs of the officials as all the witnesses were government employees. He has requested for 15 days time.

Considering that matter is the oldest matter of this court, 10 days time is granted. **Let fresh summons be issued accordingly.** Ld. PP and Ld. Counsel for parties submit that they do not wish to file any citation regarding re-examination of PW45.

Now to come up for remaining PE and for orders on application for re-examination of PW-45 on **17.12.2024**.

(Ankit Singla)
Special Judge (PC Act) CBI-02
RADC/New Delhi/06.12.2024

06.12.2024

At 12 Noon

At this stage, summons qua witness Sh. K.G. Dua received through Dak from CVC with the report that Sh. K.G. Dua was on deputation in the Commission and had been relieved from the Commission more than 20 years back and as on date, no information about Sh. K.G. Dua is available in the Commission.

Accordingly, let Ld. PP may give submissions in this regard on NDOH i.e. 17.12.2024.

(Ankit Singla)
Special Judge (PC Act) CBI-02
RADC/New Delhi/06.12.2024