

CC No. 03/2019

CBI Vs. Ashok Chawla and Another

10.01.2020

Present: Sh. A.K. Rao, Sr. PP for CBI.

**A-1 Ashok Chawla and A-2 Vijaya Rajgopal on bail with
Counsel Sh. Kunal Malhotra, Advocate.**

DSP K. P. Sharma, Pairvi Officer in person.

Case has been received by way of transfer/withdrawal from the Court of Sh. Raj Kumar Chauhan, Ld. Spl. Judge (PC Act) CBI-03, RADC/ND, vide order No. F.3(4)CBI/RACC/Gaz./2019/20499-20535, dated 28.11.2019.

PW-11 Sh. S.N.A. Nazimi is again present today as originally summoned. However, most unfortunately, it transpires from the record that this witness had already been given up for the purpose of cross-examination way back in the year 2016 and, thereafter, there was no request or prayer on behalf of defence, admittedly so, for recalling of the witness. In the absence of any order for recalling this witness or even any such prayer from either side, it is not understandable as to why this witness has been summoned by CBI.

I have also perused the detailed order dated 18.09.2019. However, it is also not even the case of the defence that they had included this particular witness in the ten witnesses mentioned in the application, subject matter of the said order. Therefore, it is a clear situation that the witness has been got summoned by CBI for no justifiable reason. Ld. Sr. PP makes a submission that this witness was got summoned by the concerned Public Prosecutor before the Ld.

Transferee Court.

Now, the witness is being returned, though with observation that this is not appreciated by the Court and particularly in a case, which is noted to be the second oldest case and wherein, it has been directed by the Hon'ble High Court to pronounce the judgment by the end of March 2020.

PW SI M. O. Roy, who was originally summoned for today, has already sought exemption and from the grounds stated therein, he is exempted for today. Fresh summons would be issued to him at appropriate stage.

PW SI R.C. Garvan has also sent a request for today. In view of the reasons given in the report, he is exempted for today.

Keeping in view the specific directions of the Hon'ble High Court, this matter is directed to be taken up for scrutiny of all the remaining witnesses and a fresh schedule be prepared.

Ahlmad is also directed to put up this file in the Chamber of the undersigned one day in advance.

List on 14.01.2020 under miscellaneous category.

(SUJATA KOHLI)

District & Sessions Judge-cum-Spl. Judge
(PC Act)(CBI)/RADC/ND/10.01.2020

An.