

**CNR No. DLCT11-000420-2022
CBI vs. M. P. Singh & Ors. (Rajesh Mishra)
CBI No. 41/2022**

21.08.2025

**Present: Sh. A. K. Kushwaha, Ld. Sr. PP for CBI.
HIO/SI Aakash Srivastav also present.**

Accused Rajesh Mishra present on bail.

**Sh. Kanhaiya Singhal and Sh. Ajay Kumar, Ld.
Counsels for accused Rajesh Mishra.**

The present accused viz. Rajesh Mishra was earlier declared Proclaimed Offender. Prosecution witnesses whose statements were recorded under Section 299, Cr.P.C. qua the present accused were ordered to be summoned again so as to give an opportunity to the accused to cross examine the witnesses. All Prosecution Witnesses except PW 23 B.C. Rai and PW 24 Umeshwar Prasad have already been cross examined on behalf of the present accused.

On last date of hearing i.e. 14.07.2025, accused Rajesh Mishra, who was granted permission to stay in United States of America till 20.10.2025, was directed to appear physically in Court on next date of hearing i.e. 08.08.2025, when the matter was listed for recording of Prosecution Evidence.

In compliance of the said directions, accused Rajesh Mishra, in order to appear physically on 08.08.2025 landed in Delhi on 07.08.2025. It is submitted by accused that when he landed at IGI Airport, he was subjected to inhuman treatment

initially by the immigration staff and thereafter by CBI, more particularly by IO of the present case i.e. SI Aakash Srivastava.

An application under Section 15(2) of Contempt of Courts Act was filed by the accused/applicant seeking initiation of appropriate criminal proceedings against the investigating officer of the present case.

Reply to the present application has been filed on behalf of CBI. Same is taken on record. Copy supplied.

I have considered the facts stated in the application and have also heard the accused/applicant as well as the IO.

It is submitted by Ld. Sr. PP for CBI as well as the IO that as LOC was opened against the accused, therefore they had to make the requisite enquiries for which the accused was subjected to some questions. It is submitted by IO that as he was unaware of the Orders passed by this Court on 14.07.2025, some misunderstanding took place. He further submits that after going through the records when he found that pursuant to Court's Orders, accused has landed, he released him.

In view of these facts and circumstances and during the course of arguments, it is submitted by accused/applicant as well as his counsel that the accused does not want pursue the present application and seeks permission to withdraw the application. He further submits that necessary directions be given to CBI not to subject the applicant/accused to any uncalled for treatment once he lands in Delhi or is travelling abroad pursuant to the directions given of the Court.

In view of the request made, the application under Section 15(2) of Contempt of Courts Act, dated 08.08.2025, is dismissed

as withdrawn. Necessary directions have been given to CBI to make strict compliance of the Court Directions.

As it is required for the purposes of clarification not only for the accused/applicant but also for CBI and the concerned authorities regarding status of LOC, it is necessary to make the following observations on the basis of material on record;

In the present case, it is apparent on perusal of the record that on an application filed by the applicant/accused, Ld. Predecessor of this Court *vide* Orders dated 15.03.2024 had permitted the accused to travel to USA from 21.04.2024 to 20.10.2024, subject to conditions mentioned in that Order itself, one of which was that “*LOC of the accused is suspended till 20.10.2024*”. On subsequent applications moved on behalf of the applicant/accused, his stay in USA was extended for a further period and lastly it has been extended till 20.10.2025 on same terms and conditions, meaning thereby that LOC against him is suspended till the said date i.e. 20.10.2025.

It is observed accordingly.

Let the matter be now listed for Recording of PE on 16.09.2025.

Considering the physical condition of PW-23 B.C. Rai, who is Retired Chief Manager of Vijaya Bank and also the fact that he is not in a position to travel to Delhi, let his Statement be recorded through Video Conferencing as per VC Rules.

Let a Request Letter be sent to the concerned District Judge having jurisdiction over the area where the witness i.e. PW 23 B.C. Rai is residing, to make necessary arrangements in the Jurisdictional Court, so that his testimony can be recorded through VC.

Copy of this Order, as prayed, be given *Dasti* to the accused/applicant as well as to the IO.

(Kanwal Jeet Arora)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi/21.08.2025