

CC No. 91/2019
CBI v. S.N.S. Sidhu & ors.
CNR No. DLCT11-000428-2019

13.07.2023

Present: Sh. Hari Om, Ld. Sr. Public Prosecutor for CBI.

Accused S.N.S. Sidhu present on bail with
Ld. Counsel Sh. Anindya Malhotra.

Proceedings against accused Philip Toppo,
accused Sumer Chand Garg accused Ashok Jain
and accused Ashok Malhotra have been abated
as they have expired.

Accused Atul Vashishta on bail with Ld. Counsel
Sh. Manjeet Godara.

Accused Mohan Lal present on bail.

Accused Lal Mani and accused Surjeet Singh are
present on bail.

Sh.Hitendra Kapur, Ld. Counsel for Accused Lal
Mani, accused R.S. Sandhu, and Ram Chander
Arora.

Accused Vijay Kumar present on bail with LAC
Ms. Nazima Siddiqui.

Accused Ram Chander Arora and R.S.Sandhu are
absent.

Application seeking exemption from personal
appearance of accused Ram Chander Arora moved through
Ld.Counsel on the ground of ill-health. Prescription of doctor
is annexed with the application.

Similar application is moved on behalf of
accused R.S.Sandhu through Ld.Counsel on the ground
that due to bad weather, heavy rain and water logging,
accused is unable to appear today in the court.

In view of the reasons mentions in the applications, said accused persons are exempted from personal appearance for today.

An application under Section 311 Cr.P.C is moved through Ld. Counsel on behalf of accused no.1 S.N.S.Sidhu seeking permission to recall the witness PW-42 Sh. D.K.Thakur for cross-examination.

Reply to the abovesaid application filed on behalf of the CBI today.

It is submitted by Ld.Counsel that witness PW-42 Sh. D.K.Thakur was cross examined on 11.05.2023, on which date he was busy in some other court and his proxy counsel instead of seeking adjournment, inadvertently adopted the cross-examination conducted by Ld. Counsels for other accused persons. He has further submitted that since the role of his client/accused no.1 S.N.S.Sindhu is different from other accused persons, he wants to cross-examine the said witness. Ld. Counsel further submitted that his client may not suffer due to fault on his part.

Abovementioned application is vehemently opposed by the Ld. Sr. PP for CBI by filing a reply. Ld. Sr. PP for CBI has submitted that the witness has to come from Bihar and as the Applicant/accused no.1 has already availed opportunity to cross examine the said witness, the application may be dismissed.

Submissions heard. Record perused.

As per record the witness PW-42 Sh. D.K.Thakur was examined in chief on 28.04.2023, cross examined by the Ld. Counsels for accused persons on 11.05.2023 and was discharged. It is observed that the application is filed without any delay as the case is still at the stage of recording of prosecution evidence. Further it is the duty of

the court to safeguard the interest of accused as well and to ensure fair trial. No prejudice would be caused to the other party if the application is allowed.

In the light of aforementioned facts and circumstances of the case, I do not find any legal impediment in allowing the application. The application is hence, allowed subject to availability and the condition that the travelling expenses (to and fro) of the witness PW-42 Sh. D.K.Thakur be incurred by the applicant/accused no.1 for the dates the said witness will appear for his cross-examination.

Application disposed off accordingly.

Summons issued to witness Rajeev Sayali received back with a request for adjournment on the ground that his wife is undergoing chemo treatment and he is unable to attend the court today.

Witness/PW-53 Sh. P.Venugopal is present for his examination. He is examined, cross-examined and discharged.

No other PW is present or summoned for today.

Put up for prosecution evidence on the date already fixed i.e. on 14.07.2023.

**(SUNENA SHARMA)
SPECIAL JUDGE (PC ACT) (CBI)
ROUSE AVENUE DISTRICT COURTS
NEW DELHI/13.07.2023**