

CC No. 91/2019
RC No. 52(A)/2007
CBI v. S.N.S. Sidhu & ors.
CNR No. DLCT11-000428-2019

28.02.2025

Present: Ms. Jyoti Solanki, Ld. Public Prosecutor for CBI.

Accused S.N.S. Sidhu on bail.

Accused Atul Vashisht and accused Lal Mani appeared through video conferencing from Tihar Jail No. 2, Delhi as they are in custody in another case bearing CC No. 06/2019, titled as CBI v. Atul Vashisht & ors.

Accused Mohan Lal on bail.

Accused Vijay Kumar is absent. Ms. Nazima Siddiqui, Id. Legal Aid Counsel for the accused.

Accused Surjeet Singh appeared through video conferencing.

Accused R.S. Sandhu on bail.

Sh. Manjeet Godara, Ld. Counsel for accused Atul Vashisht.

Sh. Hitendra Kapur, Ld. Counsel for accused S.N.S. Sidhu, accused Lal Mani and accused R.S. Sandhu.

An application seeking exemption from personal appearance has been moved by Id. Counsel for accused Vijay Kumar on his behalf. Submissions heard. Application perused. For the reasons mentioned in the application, accused Vijay Kumar is exempted from his personal appearance for today only.

Arguments heard on application moved on behalf of prosecution/CBI seeking examination of 7 additional witnesses

as detailed in the application. I have considered the application as well as it's reply. I have also gone through the report filed on behalf of CBI in terms of the observations made by this Court on the last date of hearing.

It is the CBI's case that though documents D-52, D-54, D-67, D-71, D-72, D-74 & D-75 are part of the chargesheet, however, inadvertently the relevant witnesses, essential to prove these documents could not be cited in the list of witnesses. It is it's case that these documents and the concerned witnesses are essential for just decision of this case.

Per-contra, it is the case of the defence that the application has been moved merely to prolong the trial as well as to fill the lacunas existing in the prosecution case. It is their case that the chargesheet was filed in the year 2009 and the application at hand, moved after 16 years is contrary to the constitutional right of the accused persons to speedy trial. It is their case that the application being moved at such a belated stage, will not only prejudice the accused persons but also the defence already raised by them.

Though no doubt, the application has been moved at a highly belated stage, however, the trial is yet to be concluded and the matter is still at the stage of prosecution evidence. The defence shall have ample opportunity to rebut the prosecution case, based on the testimony of the proposed prosecution witnesses, during the cross-examination. Things would have been entirely different had the documents been not part of the chargesheet. Once the documents were filed alongwith the chargesheet and were duly supplied to the accused persons, the non-examination of the relevant witnesses, their non-citing in the

list of witnesses merely an inadvertence, oversight. In my considered opinion, no prejudice whatsoever shall be caused to the accused persons. Further more, the purpose of trial is to elicit the truth, render meaningful justice and the parties to the trial deserve ample opportunity to put forth their best case. Accordingly, the application stands allowed.

Let the witnesses be summoned for the next date of hearing.

Relist the matter for **recording prosecution evidence on 24.4.2025.**

(GAURAV RAO)
SPECIAL JUDGE (PC ACT) (CBI)
ROUSE AVENUE DISTRICT COURTS
NEW DELHI/28.02.2025