

CBI Case No. 50/2022

CNR No. DLCT11-000591-2022

CBI vs. Bhushan Kumar Azad etc.

09.08.2023

**Present : Sh. Neetu Singh, Ld. PP for CBI alongwith IO
Insp. Raj Saurabh.**

**Sh. Sandeep Sharma & Sh. Dharam Singh, Ld.
Counsels for A-1 Bhushan Kumar Azad.**

**Sh. Sanjeev Bharadwaj, Ld. Counsel for A-2
Rakesh Prasad.**

**Sh. Naveen Kumar & Sh. Abhishek Mahal, Ld.
Counsels for A-3 Dinesh Kumar Saini.**

All the three accused in person on bail.

- (i) Heard. Record perused.
- (ii) An application under section 207 Cr PC to supply illegible/dim, clone copies and list of un-relied documents, with an additional prayer for preservation of CDRs and location details of the team members of the verification and trap proceedings, was filed on 19.01.2023.
- (iii) Reply filed on behalf of CBI to the application u/s 207 Cr PC of A-3 Dinesh Kumar Saini. Copy supplied.
- (iv) It may be noted that during this interregnum period all the legible copies/clone copies and the list of un-relied documents was supplied on behalf of the prosecution to the accused persons. There is no dispute to the said fact.
- (v) The question now only remains qua the preservation of CDRs and location details of the trap/verification team

including that of IO.

(vi) In the reply filed on behalf of the prosecution there appears to be not much objection on the merits to the contentions raised by the accused. In terms of Para 18 of the reply, it is simplicitor stated that CDRs/CAFs of the trap team members including independent witnesses and complainant is well established through verification/pre-trap/post-trap memos and thereby preservation is not required, and that the issue has been raised with the intention to delay the proceedings.

(vii) The location details of the mobile phones of the members of the verification/trap team are material to the case at hand, and may be required by the accused persons in support of their defence or to contradict the evidence led by prosecution during the course of trial.

(viii) Further, no prejudice is likely to be caused to the case of prosecution if the said documents are preserved at this stage.

(ix) Besides that, there are also chances that the same shall be weeded out or destroyed by the service providers after a certain period of time.

(x) Thus, in the totality of facts and circumstances of the case, I deem it expedient that the CDR location details and CAFs of the members of the verification team, trap team including the Investigating Officer for the period w.e.f. 21.01.2022 to 22.01.2022 be preserved till further orders in the interest of justice.

(xi) The application accordingly is allowed.

(xii) IO /HIO is directed to take steps to preserve the CDRs/CAFs location details of the verification, trap team members including that of IO, in terms of Clause (i) (ii) of II of the application.

(xiii) Further, an application on behalf of A-1 Bhushan Kumar Azad for discharge on merits/want of valid sanction has been filed. Copy supplied.

(xiv) Ld. Counsel for A-2 also submits that he shall also be moving a similar application on behalf of A-2 Rakesh Prasad, seeking discharge for want of proper sanction.

(xv) Let the application, if any, be filed within one week from today with advance copy to the prosecution.

(xvi) Reply, if any, be filed on or before the NDOH.

(xvii) Re-notify for consideration of application/arguments on charge on **22.08.2023**.

(xviii) Copy of order be given dasti, as prayed. Copy of order be also sent to the SP concerned for information and compliance.

(ANIL ANTIL)
SPL. JUDGE (PC ACT): CBI-15
ROUSE AVENUE DISTRICT COURT
NEW DELHI/09.08.2023.