

25.02.2020

Present : Sh. Praneet Sharma, Id. Sr. PP for CBI.

Accused Guru Narayan Mishra present on bail with Id.
Counsel Sh. Puneet Gaba.

Part submissions on the point of charge addressed. Written submissions have been filed by the Id. Defence counsel already. Id. Sr. PP has also filed written submissions earlier, however, now he seeks time to tender further submissions in rebuttal.

Original documents in the present case are stated to be not traceable. Vide order dated 07.08.2015, the directions were issued for filing enquiry report. The observation qua non-compliance was observed vide order dated 24.08.2017. Observations qua ascertaining the documents missing and qua determination of fault of concerned officer was made. Directions were made for personal appearance of senior officials of CBI for securing the cogent averments. However, despite the same, no compliance as again observed vide order dated 18.01.2018 and 27.03.2015 was made.

Vide order dated 05.02.2019, the observation as below is made :

“I have perused the previous orders. At this stage it is submitted by Id. PP for CBI that only original FIR and sanction order is on the record and rest of the documents are carbon copies. Id. PP submit that she will not be able to address arguments on the point of

charge as she is to inquire about the exhibits of this case. Concerned IO/MHCM is directed to produce all the case property/documents/exhibits/statements of witnesses in respect of the case on the next date of hearing.”

Vide order dated 07.05.2019, the observation as below is made :

“On perusal of the said status report, it is found that all the documents containing 14 as mentioned in para 4 of the enquiry report in original were missing and could not be traced. As per conclusion of the enquiry, in the absence of the relevant report and the matter being quite old, the custody of the documents and therefore the responsibility of the officer to the missing documents could not be fixed during enquiry.”

Repeated directions have remained un-replied. Let DIG concerned appear in person for tendering explanation as the complaint is dated 20.11.1989 and the matter is at the present stage since 2015.

Put up for aforesaid clarification and further arguments on **12.03.2020.**

(NIRJA BHATIA)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/25.02.2020