

R.No. 172/2019  
RC No. 55(A)/2019  
CBI Vs. Guru Narayan Mishra

12.03.2020

Present: Sh. Praneet Sharma, ld. Sr. PP for CBI  
Accused Guru Narayan Mishra present on bail with  
ld. Counsel Sh. Puneet Gaba  
Sh. Girish Bharadwaj, SP CBI

An application is moved for exemption from personal appearance for today on behalf of Sh. Asra Garg, DIG, CBI. The contents of para 2 of the application are reproduced as under:

*“That the undersigned is pre-occupied in an urgent matter and hence unable to attend the Ld. Court on 12.03.2020. Enquiry report regarding missing documents has already been filed in the Ld. Court on 23.10.2018. The undersigned had also appeared in this regard on 30.05.2019. The undersigned has directed SP, CBI, ACB, New Delhi to attend the Ld. Court on 12.03.2020 and explain the matter again. A detailed reply is being filed again in this matter for assistance of Ld. Court.”*

It is difficult to comprehend that how the official could be pre-occupied in an urgent matter, which in common parlance of understanding would mean of sudden nature. Nowhere, even otherwise any detail suggesting, the emergent presence of the official at any

official work is also not stated in the application. Apparently, effort is being made to avoid tendering of clarification which had been sought by order dated 25.02.2020. I do not find ground sufficient for allowing the application for exemption for today, however, only in the interest of Justice, the application is allowed for today. Let the explanation through DIG be called for 13.03.2020.

At this stage, Id. Sr. PP submits that SP CBI is present on behalf of DIG, CBI. It is stated by the SP that the inquiry report is finalized and the documents are stated to be not traceable. He states that the documents were lost from Malkhana which is under the court supervision. He is inquired about the “ownership” of the documents to which he states that the same were with the IO and the IO is responsible to Court directly and accordingly the documents were under the ownership of the Court. He is reminded that at no stage the documents were forwarded to Court which fact is admitted by Id. Sr.PP as well. Now he seeks time to make proper statement. He is reminded that the present matter is arising against the RC of 1989, which is almost 31 years old and accordingly, expeditious statement is expected under the above circumstances.

Put up on **13.03.2020**.

**(NIRJA BHATIA)**  
Special Judge (PC Act) CBI-03,  
Rouse Avenue Court Complex,  
New Delhi / 12.03.2020