

RC No. 55 (A)/1989  
CBI vs Guru Narayan Mishra

07.05.2019

Present: Sh. Praneet Sharma, Ld. Senior PP for CBI.

Accused G.N. Mishra along with Ld. Counsel Sh. Puneet Gaba.

Case file received by way of transfer vide order No. 1461-1501A OIC/Rouse Avenue/ND/2019 Dated 12.04.2019, of Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue Court Complex, New Delhi.

IO of the case was directed to appear in person for placing on record the original document which is stated to be missing.

Notice has been served to IO Inspector Ms. Sabeena Sidiquee on 24.04.2019. However, IO is not present till 10:40 am.

Put up again for awaiting of IO at 12 O'clock.

(RAJ KUMAR CHAUHAN)  
Special Judge (PC Act) CBI-03  
Rouse Avenue Courts, New Delhi  
07.05.2019

At 12:00 pm

Present: Sh. Praneet Sharma, Ld. Senior PP for CBI.

Accused G.N. Mishra along with Ld. Counsel Sh. Puneet Gaba.

Holding IO Inspector Ms. Sabeena Sidiquee in person.

Holding IO has submitted her status report/intimation regarding trace out the original documents/exhibits in this case in compliance of the order dated 05.02.2019 wherein, IO/MHC(M) was directed to produce all the case properties/documents/exhibits/statements of the witnesses in respect of this case because it was submitted by Ld. Senior PP that only original FIR and sanction order are on record and rest of the documents

are carbon copy. IO in her report submitted today has stated that the Malkhana Incharge, Inspector CBI, ACP, Delhi Shri Raj Kumar, submitted that following case property in RC 55 (A)/89 is traced out in the Malkhana of CBI, ACB, New Delhi.

- i) One sealed yellow envelope marked as "Two Cassettes" dated 24.07.2015.
- ii) One brown envelope marked as 02 "I cards" bearing no. 132259 in the name of Shri G.N. Mishra, JE, CPWD and No. 18770 in the name of Shri K.S. Warriach, Asstt Er. CPWD.
- iii) One sealed Brown envelope marked as small Box dated 23.07.2015.
- iv) One Brown envelope CFSL-89/C-4257 marked as Seal Impression along with Wrappers of Exhibits 'R', 'L' and P/W, SP CBI, ACB, New Delhi.
- v) Three Hand Wash Bottles.

3. that it is submitted that D-11 CPWD Office Order No. 21. (2)/P-DN/88/1583 dated 21.10.88 of RC 55 (A)/1989 of CBI, ACB, DLI is in Original deposited in the court at Patiala House Courts.

Vide order dated 07.08.2015, the court asked the IO to place on record following original documents:-

- i) Complaint dated 20.11.1989 of Sh. S.C. Gupta, the complainant.
- ii) Verification memo dated 20.11.1989.
- iii) Handing over memo dated 20.11.1989.
- iv) Recovery memo dated 20.11.1989.
- v) Search cum seizure memo dated 20.11.1989.
- vi) Personal search memo dated 20.11.1989 of accused Kulwant Singh Warriach, AE, CPWD
- vii) Personal search memo dated 20.11.1989 of accused G.N.

Mishra, JE, CPWD.

- viii) Site plan of place of occurrence dated 20.11.1989.
- ix) Memo dated 01.12.1989 for preparation of copy of Audio cassette.
- x) Transcription memo dated 01.12.1989 of telephonic conversation held on 20.11.1989.
- xi) Register containing rough measurement of work executed by M/s Bharti Insulators of the complainant of Sh. S.C. Gupta.
- xii) Statements record u/s 161 Cr. P.C. of PWs S.C. Gupta (complainant), Sh. Pramod Kumar, Sh. Venkatesan (both independent witnesses) and other trap team members.
- xiii) One condolence card in which the bribe money amounting Rs. 4,500/- was allegedly kept.
- xiv) CFSL reported on hand washes of accused G.N. Mishra and wash of condolence card.

Holding IO has pointed out that in view of the directions dated 07.08.2015 of this court, an enquiry was conducted and enquiry report was submitted by Mr. V.M. Mittal, Superintendent of Police, CBI.

On perusal of the said status report, it is found that all the documents counting 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 .

Ld. Sr. PP seeks adjournment to go through the said enquiry report and the status of the original documents and carbon copies relied upon/placed on record and to assist this court as to what further action can be recommended in this matter regarding the missing of the original documents and non fixing of responsibility of any officer by the enquiry officer.

Let HOB Mr. Ashra Garg remain present to assist this court regarding the aforesaid aspect.

Copy of this order be given dasti to the IO for placing the same before the HOB for information and compliance.

Put up on 15.05.2019 for further proceedings and arguments on charge.

(RAJ KUMAR CHAUHAN)  
Special Judge (PC Act) CBI-03  
Rouse Avenue Courts, New Delhi  
07.05.2019