

**IN THE COURT OF MS. NIRJA BHATIA, SPECIAL JUDGE, PC
ACT (CBI)-03, ROUSE AVENUE DISTRICT COURT, NEW DELHI**

CC/R.No. 11/2019
RC No. 55(A)/1989
CBI vs. Guru Narayan Mishra

07.10.2020

Present: Sh. Praneeet Sharma, Id. Sr. PP for CBI alongwith HIO/Insp.
Ravinder Bharti.
Accused G.N. Mishra present on bail along with Id. Counsel
Sh.Puneet Gaba.

**The matter has been taken up physically as per duty roster No.
Power Gaz/RADC/2020/E-15009-15097 dated 26.09.2020.**

In affidavit of Sh. Raghavendra Vatsa, DIG, ACB, CBI, Lodhi Road,
New Delhi dated 06.08.2020 (filed on 07.08.2020), it is stated as under :

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.....
2. That, following original documents of above
mentioned case are **not traceable** in CBI :-

- (i) Memo dated 20.11.89.
- (ii) Handing over memo dated 20.11.89.
- (iii) Recovery memo dated 20.11.89.
- (iv) Search cum seizure memo dated 20.11.89.
- (v) Personal search memo dated 20.11.89 of
accused Kulwant Singh Warriach, AE, CPWD.
- (vi) Personal search memo dated 20.11.89 of
accused G.N. Mishra, JE, CPWD.
- (vii) Site plan of place of occurrence dated 20.11.89.
- (viii) Memo dated 01.12.89 for preparation of copy
audio cassette.

- (ix) Copy of transcription memo dated 01.12.89 of telephonic conversation held on 01.12.89.
- (x) Carbon copy of the statement of the witnesses namely Sh.S.C. Gupta.

.....
.....”

Now, it is affirmed on oath that the above documents mentioned in earlier affidavit dated 06.08.2020 have been **lost** by the investigating agency (CBI herein). A supplementary affidavit dated 05.10.2020 to this effect is filed. Copy supplied.

It is dismal to note that the proceedings in this matter commenced somewhere in the year 1989 subsequent to a trap proceeding being lead on the accused persons. Since the proceedings have been moved before the Court at the time when the first Closure Report was filed in the year 2015, the original documents have not been placed on record. It is not difficult to understand that for what purpose the investigating agency is shying away from seeking the prosecution/trial of the case which lead the Id. Predecessor to pass cognizance order against accused G.N. Mishra and also summoning accused thereupon.

Though, it is stated time and again that efforts are being made by CBI to conduct an internal inquiry, nothing is revealed and it appears that efforts are only eye-wash to beat around the bush in order to cover up more than to actually find out the case file and place the complete material before the Court. The action qua aforesaid

proceedings may be considered at an appropriate stage as the matter is yet to be heard on other aspects that are agitated by Id. Counsel Sh. Puneet Gaba.

At this stage, since the matter is pending for almost more than 31 years, it is impediment that it is proceeded with urgency and the arguments on the point of charge are requisited to be heard in order to avoid further delay.

Part arguments heard. Sh. Puneet Gaba, Id. Counsel for accused now seeks some more time to conclude his arguments

At request, put on **22.10.2020** for further arguments.

(NIRJA BHATIA)
Special Judge (PC Act) CBI-03,
RADC/New Delhi /07.10.2020