

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

CBI Vs. Guru Narayan Mishra
CC/Regn. No. 172/2019

15.07.2020

Pr. (on screen): Sh. Praneet Sharma, Sr. PP for CBI alongwith HIO/Insp. Ravinder.
Sh.Puneet Gaba, Id. Counsel for accused.

Matter has been taken up through Video Conferencing hosted by Sh.Ashok Kumar, Reader of the court in terms of orders of Hon'ble High Court bearing No. R-235/RG/DHC/2020 dated 16.05.2020 and 16/DHC/2020 dated 13.06.2020.

IO has filed reply. However, the reply seems to be premised on incorrect presumptions and is contrary to the earlier submissions/statements recorded. Time and again, the CBI officials have made requests for filing reply and for filing charge-sheet, which was earlier stated to be not traceable. Even, in this reply, the status of the original documents/closure report is not revealed clearly except of mentioning that it is not found/traced.

It be also observed that no report regarding the disciplinary inquiry of the officials/IO, who now stands deputed to CISF, is also filed.

Time and again, attempts are being made to mislead the court regarding status of the original documents. The matter is lingering at the stage of charge, which concern is also shared by Sh. Puneet Gaba, Id. counsel for the accused. IO now states that he was not aware about the submissions. It be also observed that vide order dated 07.08.2015, it has

also been observed by the ld. predecessor that the present appears to be a case of destruction of evidence. Despite the aforesaid strong observations, the attempt was made by SP to shrug the responsibility and it was claimed that the responsibility of the closure report was on court. This submission of his was forwarded to the senior officials of CBI for clarification, whereafter, the time was sought for personal appearance by DIG Mr. Asra Garg. At the slated date, it was reported by ld. Sr. PP for CBI that Mr. Garg also stands deported/transferred. Again, in his place, request for more time was made on behalf of SP concerned. It be observed that despite leniency and time granted by the ld. predecessor and this court, it appears that CBI has failed to perform its part of duty to make clear statement about the whereabouts of the original file.

Having regard to the aforesaid, let a detailed affidavit regarding the file, its availability and the role and responsibility of each official, who had been assigned responsibility of investigation and had been in possession of the case file on all dates/days up till filing of the last report, be tendered within 15 days.

To come up for receiving the compliance on **07.08.2020**.

A copy of this order be sent to the computer branch for uploading on the official website.

A copy of this order be scanned and placed on judicial file.

(Nirja Bhatia)
Spl. Judge PC Act (CBI)-03,
RADC, New Delhi/15.07.2020