

CBI/278/2019
RC No. 6(E)/2015/BD1/CBI/BS&FC/ND
u/s 120B r/w Section 420/467/468/471 IPC &
13(2), 13(1) (d) PC Act
CBI v. M/s Green Valley Plywood Ltd. & Ors.

20.02.2026

(Present proceedings have been conducted on Hybrid Mode)

Present : Shri Raj Kamal, Learned PP for CBI.
HIO/SI Dharmender Singh, physically present.
A-2 Jagmohan Kejriwal, **A-3** Anju Kejriwal, **A-6**
Ramesh Chander Juneja and **A-11** Sukhdev Raj
Khinchi, all through VC.
A-4 Mukesh Sharma, **A-5** Pramod Kumar Varshney,
and **A-12** Ashok Kumar Raheja, all physically present.
Mr. Shashi Ranjan, an employee of **A-8** M/s Mam
Chand Mahabir Prasad Pvt. Ltd., physically present.
Mr. Nishant Sharma, Ld. Counsel for **A-2** and **A-3**,
physically present.
Mr. Piyush Kumar (physically) and Ms. Tanvi Jain
(through VC), Ld. Counsels for **A-4**, **A-5** and **A-8**.
Mr. Aditya Singla (through VC), Ms. Supriya Juneja
(through VC) and Mr. Akhil Sharma (physically), Ld.
Counsels for **A-6**.
Mr. Sewa Ram. Ld. Counsel for **A-11**, physically
present.
Mr. Neeraj, Ld. Proxy Counsel for **A-12**, physically
present.

1. *Vakalatnama* filed today on behalf of **A-8** M/s Mam
Chand Mahabir Prasad Pvt. Ltd.
2. An application under section 342 of BNSS, 2023
(section 305 of CrPC) is filed today on behalf of **A-8** M/s Mam
Chand Mahabir Prasad Pvt. Ltd. Together with this application,
there is certified true copy of the Resolution passed by the Board
of Directors of the Company in the meeting held on 19.02.2026.

Copy of the application together with its annexure supplied to learned PP for CBI. List this application for reply/arguments on the next date of hearing.

3. IO submits that he is in process of collecting the copy of the unrelieved upon documents/materials from the parties to whom they have already been returned. He further submits that out of the 24 agencies/individuals, he has collected copy of the documents/materials from ten of them. He goes on to submit that he needs time of about 20 more days to collect the copy of the remaining unrelieved upon documents/material.

4. List of unrelieved upon documents/materials is supplied today before the Court to all the learned defence counsels.

5. Arguments on the application dt. 22.07.2024 of **A-11** Sukhdev Raj Khinchi seeking his *permanent exemption from physical presence during the trial* heard. Record perused. Learned counsel for **A-11** Sukhdev Raj Khinchi seeks his permanent exemption from physical appearance during the trial citing his serious medical condition. In support thereof, he files on record copy of his latest medical documents of 02/07 February, 2026.

6. It is averred in the application that the applicant is aged 72 years and a resident of Ludhiana; that he superannuated from Indian Overseas Bank as Chief Manager on 30.06.2012; that he does not keep good health; that since year 2004 he has been suffering from serious heart ailment [coronary artery disease (CAD)] and is under continuous medical treatment since then; that in year 2004 he had undergone PTCA (Percutaneous

Transluminal Coronary Angioplasty) and coronary stenting was done; that in year 2011 he had undergone open heart surgery [CAB-Coronary Artery Bypass Graft Surgery]; that in year 2018 applicant's LVEF (Left Ventricle Ejection Fraction) for heart pumping out oxygen rich blood up into body's main artery fell to 24-26% as against the normal level of 50-70% and as such he had to be hospitalized and underwent medical procedure of coronary angiography; that in year 2020 a pace maker [Automatic Implantable Cardioverter Defibrillator (AICD)] was put inside his chest to monitor and correct serious and life threatening arrhythmias heart rhythm; that on 23.04.2024 his medical condition aggravated and he was hospitalized for VT-NSR and his life could be saved by Cardioverted with DC shock 150J and he remained in hospital till 02.05.2024; that on 26.06.2024 his medical condition again aggravated and he got AICD shocks (2 times, Monomorphic VT) and he was hospitalized; that AICD interrogation was done which showed two episodes of monomorphic VT; that antiarrhythmic dosage was optimized; that he was managed with anti-platelets, amidoarone, ace inhibitors, PPI and other supporting measures; that he remained hospitalized till 01.07.2024; that since 01.07.2024 his medical condition is worsening day by day; that his LVEF was severely dysfunctional @ 18-20% on 01.07.2024; that it has become difficult for him to walk even few steps; that the Doctors have advised him minimum activity and is now bed ridden; that it is not possible for him to undertake journey from Ludhiana to Delhi for appearing before this Court. On these averments, the applicant filed the present application.

7. CBI in its reply dt. 12.09.2024 has vehemently opposed this application. It is stated that **A-11** Sukhdev Raj Khinchi was involved in committing fraud; that serious economic offences as the present one effects the country at large and economic offenders ought to receive no sympathy from the Court; that his medical condition is not a permanent feature and it cannot be a ground to seek permanent exemption from personal appearance before the Court; that it is a principle of criminal law that trial should take place in the presence of accused; that he may seek exemption on a particular date whenever his health does not permit; that he may appear through Video Conference as and when required.

8. Learned Counsel for **A-11** Sukhdev Raj Khinchi has argued in support of the application. He states that **A-11** Sukhdev Raj Khinchi's medical condition is extremely bad and that he is unable to even sit. He states that the large number of medical papers would clearly show that his health is quite serious. In support of his arguments, he relies upon the following two judgments : (a) Chandramauli Prasad v State of Delhi, 2008 SCC OnLine Del 759 : ILR (2009) 2 Del 48; and (b) Geeta Sethi v State, 2001 SCC OnLine Del 258 : (2001) 58 DRJ 713.

9. Learned PP for CBI has vehemently opposed this application. He states that **A-11** Sukhdev Raj Khinchi is involved in serious economic offences and therefore, he ought not get any sympathy from this Court; that his prayer for exemption from personal appearance should be considered on date-to-date basis and he should not be granted permanent exemption from

appearance before the Court. He seeks dismissal of the application.

10. Having heard the submissions and perused the record, this Court is of the view that medical condition of **A-11** Sukhdev Raj Khinchi is certainly not good. He appears to be suffering from serious heart ailments. In Chandramauli Prasad (*supra*), it was observed, "*If the accused person himself does not wish to avail of the right of personal appearance on every date; if he reposes the fullest confidence in the court and in his advocate, and is confident that justice will be meted out to him even in his absence, then, provided his absence does not prejudice him in any way or hinder the progress of the trial, it is not necessary for the Trial Court to insist on his presence.*"

11. In Puneet Dalmia v. CBI, (2020) 12 SCC 695, it was observed :

5.In Bhaskar Industries Ltd. [Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd., (2001) 7 SCC 401] and Rameshwar Yadav [Rameshwar Yadav v. State of Bihar, (2018) 4 SCC 608], this Court had the occasion to consider the scope and ambit of the application under Section 205 CrPC. In Bhaskar Industries Ltd. [Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd., (2001) 7 SCC 401], this Court has observed that if a court is satisfied that in the interest of justice the personal attendance of an accused before it need not be insisted on, then the court has the power to dispense with the attendance of the accused. It is further observed by this Court in the aforesaid decision that if a court feels that insisting on the personal attendance of an accused in a peculiar case would be too harsh on account of a variety of reasons, the court can grant relief to such an accused in the matter of facing the prosecution proceedings. It is observed and held by this Court in the aforesaid decision that the normal rule is that the evidence shall be taken in the presence of the accused. However, even in the absence of the accused, such evidence

can be taken but then his counsel must be present in the court, provided he has been granted exemption from attending the court.

6. In paras 14, 17, 18 and 19, this Court has observed [*Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd.*, (2001) 7 SCC 401] and held as under:

“14. The normal rule is that the evidence shall be taken in the presence of the accused. However, even in the absence of the accused such evidence can be taken but then his counsel must be present in the court, provided he has been granted exemption from attending the court. The concern of the criminal court should primarily be the administration of criminal justice. For that purpose the proceedings of the court in the case should register progress. Presence of the accused in the court is not for marking his attendance just for the sake of seeing him in the court. It is to enable the court to proceed with the trial. If the progress of the trial can be achieved even in the absence of the accused the court can certainly take into account the magnitude of the sufferings which a particular accused person may have to bear with in order to make himself present in the court in that particular case.

17. Thus, in appropriate cases the Magistrate can allow an accused to make even the first appearance through a counsel. The Magistrate is empowered to record the plea of the accused even when his counsel makes such plea on behalf of the accused in a case where the personal appearance of the accused is dispensed with. Section 317 of the Code has to be viewed in the above perspective as it empowers the court to dispense with the personal attendance of the accused (provided he is represented by a counsel in that case) even for proceeding with the further steps in the case. However, one precaution which the court should take in such a situation is that the said benefit need be granted only to an accused who gives an undertaking to the satisfaction of the court that he would not dispute his identity as the particular accused in the case, and that a counsel on his behalf would be present in court and that he has no objection in taking evidence in his absence. This precaution is necessary for the further progress of the proceedings including examination of the

witnesses.

18. A question could legitimately be asked — what might happen if the counsel engaged by the accused (whose personal appearance is dispensed with) does not appear or that the counsel does not cooperate in proceeding with the case? We may point out that the legislature has taken care of such eventualities. Section 205(2) says that the Magistrate can in his discretion direct the personal attendance of the accused at any stage of the proceedings. The last limb of Section 317(1) confers a discretion on the Magistrate to direct the personal attendance of the accused at any subsequent stage of the proceedings. He can even resort to other steps for enforcing such attendance.

19. The position, therefore, boils down to this: it is within the powers of a Magistrate and in his judicial discretion to dispense with the personal appearance of an accused either throughout or at any particular stage of such proceedings in a summons case, if the Magistrate finds that insistence of his personal presence would itself inflict enormous suffering or tribulations on him, and the comparative advantage would be less. Such discretion need be exercised only in rare instances where due to the far distance at which the accused resides or carries on business or on account of any physical or other good reasons the Magistrate feels that dispensing with the personal attendance of the accused would only be in the interests of justice. However, the Magistrate who grants such benefit to the accused must take the precautions enumerated above, as a matter of course. We may reiterate that when an accused makes an application to a Magistrate through his duly authorised counsel praying for affording the benefit of his personal presence being dispensed with the Magistrate can consider all aspects and pass appropriate orders thereon before proceeding further.”

12. It is noted that **A-11 Sukhdev Raj Khinchi** is a senior citizen. He is aged about 72 years. He is a resident of Ludhiana. The distance between Ludhiana and Delhi is more than 300 km.

His medical condition, as already hereinabove, is grave. He appears to be afflicted with severe and deeply concerning ailments that have compromised his well-being. His latest medical papers of 02/07 February, 2026 show that he continues to suffer from severe heart ailments.

13. **Given the above, physical presence of A-11 Sukhdev Raj Khinchi is ordered to be dispensed with at the stage of trial. However, he must appear through Video Conference;** and in case on any given date, he is unable to appear through Video Conference, his counsel may pray for his exemption from appearance. That apart, he would have to appear physically before the Court as and when directed by the Court.

14 With this, the aforesaid application of **A-11 Sukhdev Raj Khinchi stands disposed of.**

15. List the matter for reply/arguments on the application under section 342 of BNSS, 2023 (section 305 of CrPC) of **A-8** and for further proceedings as per law on **13.03.2026**.

(M. P. Singh)
Special Judge (PC Act) CBI-02
RACC/New Delhi/20.02.2026