

**IN THE COURT OF SH. HASAN ANZAR,  
SPECIAL JUDGE, PC ACT (CBI)-03,  
ROUSE AVENUE DISTRICT COURT, NEW DELHI  
CBI Vs. Binod Kumar Giri & Anr.  
CC No. 321/2019  
05.10.2023**

Present : Ms. Amita Verma, Ld. Substitute PP for CBI.  
Ct. Raj Bahadur Thakur from CBI Malkhana.  
Accused No. 1 Binod Kumar Giri on bail with Shri  
Shaurea Tyagi, Ld. Proxy counsel for Shri  
Vaibhav Suri, Ld. Counsel for A-1.  
None for accused no. 2 Asif Ibrahim Dadarkar.

Naib Court attached to this court has furnished a request letter, stated to have been received on Whatsapp of Naib Court of AC-3 Branch, on behalf of PW Shri Tushar Patel on the ground that due to prior family commitment, he is unable to appear today. Request is allowed for today.

It is 10.00 am. PWs Shri Harish Nihalani and Shri Suraj Majumder are present. Accused no. 1 seeks pass over to call his counsel. Neither A-2 nor counsels for both the accused persons are present. Matter is pass over for 30 minutes. A-1 is directed to call his counsel.

**(Hasan Anzar)  
Special Judge (PC Act) CBI-03,  
RADC/New Delhi/05.10.2023**

At 10.35 am

Present : Ms. Amita Verma, Ld. Substitute PP for CBI.  
Ct. Raj Bahadur Thakur from CBI Malkhana.  
Accused No. 1 Binod Kumar Giri on bail with Shri  
Shaurea Tyagi, Ld. Proxy counsel for Shri  
Vainbhav Suri, Ld. Counsel for A-1.  
A-2 is absent.

Neither A-2 nor his counsel is present.

However, one clerk is present on behalf of A-2 and it is conveyed to him to call his counsel as two witnesses are present since morning. Matter be taken at 10.50 am.

**(Hasan Anzar)**  
**Special Judge (PC Act) CBI-03,**  
**RADC/New Delhi/05.10.2023**

At 10.53 am

Present : Ms. Amita Verma, Ld. Substitute PP for CBI.  
Ct. Raj Bahadur Thakur from CBI Malkhana.  
Accused No. 1 Binod Kumar Giri on bail with Shri Shaurea Tyagi, Ld. Proxy counsel for Shri Vainbhav Suri, Ld. Counsel for A-1.  
A-2 is absent.  
Shri Ashish Dixit, Ld. Counsel for A-2

Exemption application has been moved on behalf of A-2 and it is submitted that accused no. 2 is unable to appear today as he is the permanent resident of Mumbai and since he is required to participate in the important business at Mumbai, due to which he is unable to appear before the court today. It is also contended that if the proceedings conducted today, accused no. 2 would not dispute the proceedings as conducted in the court. It is also orally submitted by Ld. Counsel for A-2 that identity of A-2 is also not disputed.

In the present case, it is observed that accused no. 2 had not been appearing in the court for last 19 dates of hearing, although exemption had been granted and even today, no one on behalf of A-2 was present when the matter was called and the appearance on his behalf was put by the Ld. Counsel for A-2 at

10.53 am. However, in the interest of justice, A-2 is allowed exemption from personal appearance for today with the specific direction that on the next date of hearing, he shall remain present in the court at the first call.

Ct. Raj Bahadur Thakur from CBI Malkhana has produced the case properties.

Shri Harish Nihalani is examined and cross-examined as PW33 and he is discharged. Shri Suraj Majumdar has been examined-in-chief as PW34. Cross-examination of this witness is deferred on the request of the Ld. Counsels for accused persons as it is submitted that they will cross-examine the witness after receipt of DVD.

Ld. Substitute PP for the CBI submits that on the next date of hearing, she would inform the court as to which witness is going to be summoned.

Put up on **19.10.2023** for further proceedings.

During evidence, case properties which were de-sealed be re-sealed with the seal of Ld. Principal District & Sessions Judge, RADC.

**(Hasan Anzar)**  
**Special Judge (PC Act) CBI-03,**  
**RADC/New Delhi/05.10.2023**