

**IN THE COURT OF SHRI HASAN ANZAR,
SPECIAL JUDGE, PC ACT (CBI-03),
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

*CBI Vs. Binod Kumar Giri & Ors.
CC No. 321/2019*

06.07.2024

Present : Ms. Rohini Anand, Ld. PP for the CBI alongwith HIO Attarpal Singh, Shri Rakesh Kumar, Asstt. Programmer and Ct. Raj Bahadur Thakur, MHC(M) alongwith case properties.
A-1 Binod Kumar Giri on bail.
A-2 Asif Ibrahimdadarkar is absent.
Shri Shaurea Tyagi, Ld. Counsel for A-1.
Ms. Swati Surabhi, proxy counsel for Shri Ashish Dixit, Ld. Counsel for A-2.

Two witnesses namely Shri Ramdas Narayan Sakat and Shri M.M. Srinivasu are present since morning and due to the non-availability of A-2 Asif Ibrahimdadarkar, statement of witnesses is yet to commence and both the witnesses have come to the court from Mumbai, Maharashtra.

It is 10.20 am. A-2 is not present either physically or virtually. Proxy counsel Ms. Swati Surabhi submits that she is unable to connect with the main counsel and when it is inquired about A-2, she submits that she is also unable to contact him. Ahlmad of the court is directed to contact A-2.

Matter is pass over, to be taken up at 11.00 am.

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At 10.45 am

An application for exemption on behalf of A-2 is filed and surprisingly, the reason explained in the application is that Ld. Counsel for A-2 is not available due to bereavement in his close relation and no contact could be made with A-2. It is also relevant to mention that Ahlmad attached to the court has also attempted to contact A-2 but he is not picking up the phone.

Be that as it may, two witnesses i.e. Shri Ramdas Narayan Sakat and Shri M.M. Srinivasu are present for recording of their statement. A perusal of the statements of both these witnesses under section 161 Cr.P.C. and the case of the prosecution would reveal that same relates to A-1 and therefore, absence of A-2 would not make any difference. Hence both the witnesses in attendance are being examined.

A-2 is not present. Appropriate order in respect of A-2 shall be passed after recording the testimonies of both the witnesses who are present before the court.

At 10.50 am to 01.15 pm

PW-43 Shri Ramdas Narayan Sakat and PW-44 Shri M.M. Srinivasu are examined, cross-examined and discharged.

Shri Sidharth Mahajan, Advocate (Enrol. No. D-2695/2015) has appeared for witness Ms. Upasana Taku and filed his vakalatnama alongwith an application from personal appearance on behalf of witness Ms. Upasana Taku. He submits that the said witness is not available today due to personal urgency and he assures the court that witness shall remain present on the next date of hearing.

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Yesterday i.e. 05.07.2024, while considering the request of Tushar Patel as regards his non-appearance, it was inadvertently recorded that he had sent a request due to medical reason he is unable to appear, whereas it is stated that he was unable to appear due to personal reasons. It is also observed that Tushar Patel is not appearing for the last three dates. It is submitted by Ld. PP for the CBI that she will not examine Tushar Patel on the next date of hearing as other witnesses are being called for the next date of hearing and might examine Shri Tushar Patel after the next dates of hearings.

A-2 is not present and the reason of his absence is not known. It appears that A-2 is taking the proceedings in a very casual manner and on earlier occasions too, he was directed to remain physically present in the court and in criminal trial, the presence of accused is necessary, unless exempted. However, in the interest of justice, no coercive steps are being taken against A-2, but he is directed to remain physically present on the next dates of hearings.

Prosecution is directed to obtain the fresh address of Shri Anil Chandra Gosavi.

The case properties which were de-sealed, the same may be re-sealed with the seal of the court.

Put up on **30.07.2024** and **31.07.2024** for P.E.

HIO/DSP Shri Attarpal, Shri Rakesh Kumar, Programmer and Ct. Raj Bahadur Thapa, MHC(M) alongwith case property shall remain present on the next dates of hearings.

The following witnesses shall be examined on the scheduled dates and the summons be issued accordingly.

Sl. No.	Date Fixed	Witnesses to be examined
1.	30.07.2024	Shri Prakash Chandrakant Pawar (LW15)
2.	31.07.2024	Ms. Upasana Taku (LW50), Shri Sunil Dutt (LW42) and Shri Mukesh Prachand (LW44).

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