

**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  
Date of Institution : 31.08.2016  
IA No. 04/2025*

**14.07.2025**

**ORDER**

1. This order shall dispose of an application u/s 348 BNSS filed on behalf of CBI for summoning and examining the additional witness Shri Sudhir Kumar Dhawan, the then PS to Shri Rajiv Maharishi, the then Home Secretary, Ministry of Home Affairs.

2. It is contended that inadvertently, the name of Shri Sudhir Kumar Dhawan was not included in the list of witnesses and it is also contended that the testimony of Shri Sudhir Kumar Dhawan, the then PS to Home Secretary is required to prove the signatures of the competent authority on the orders dated 04.02.2016 (D-2) and proving the orders for interception is very much necessary for the just and proper decision of the case as the prosecution is relying on the intercepted calls which were intercepted pursuant to the orders passed by the competent authority.

3. Reply of the application was not filed by the accused persons and oral submissions were advanced by the Ld. Counsels for the accused persons and it is contended that prosecution is trying to fill up the lacunae at the fag end of the trial.

4. I have considered the submissions made on behalf of both the sides.

5. It appears from the record that competent authority i.e. the Home Secretary had ordered for the interception of the phone(s). It is also reflected from the record that orders for interception is available on record and it appears that the name of the related witness to prove the signature of the then Home Secretary was not mentioned in the list of witnesses. The error appears to be inadvertent. In so far as the submissions of the Ld. Counsels for the accused persons that the prosecution is trying to fill its lacuna is not justified as the essential question while considering the need for examining the witness is whether the testimony of the witness is essential for the just decision of the case. The orders for interception of phone(s) form an essential part of the story of the prosecution as substantial part of the prosecution case is based on the recorded intercepted calls. The fair trial demands that fair opportunity must be given

to both the sides to present their case to the fullest. No prejudice whatsoever shall be caused to the accused persons as they would be able to get the opportunity to cross-examine the witness. Accordingly, the application under section 348 BNSS (IA No. 04/2025), filed on behalf of the CBI is allowed. The prosecution is permitted to examine Shri Sudhir Kumar Dhawan to prove the signatures of competent authority on Ministry of Home Affairs orders dated 04.02.2016 (D-2).

(Announced in the open court  
today i.e. 14.07.2025)

**(HASAN ANZAR)**  
Special Judge (PC Act) CBI-03,  
RADC/New Delhi/14.07.2025