

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

*CBI Vs. Rakesh Kumar Jain @ R.K. Jain & Ors.*

*CC No. 327/2019*

*Date of Institution : 13.05.2016*

31.10.2025

Present : Ms. Priyanka Soni, Ld. Sr. PP for the CBI.  
A-1 Rakesh Kumar Jain, A-2 Reema Jain and A-3 Mukesh Kumar Jain on bail- through VC.  
Sh. Deepak Badana, ld. Counsel for A-1 & A-2 -through VC.  
Sh. S.P.M Tripathi and Sh. Rahul Punia, Ld. Counsel for A-3- through VC.

1. Witness Insp. Shitanshu Sharma IO of the case is absent.
2. Present case is one of the test case to indicate as to how investigating officer of the case delays the proceedings by inventing one or other reason for not appearing in the court. The reasons could be many such as investigating officer is busy in the investigating of the case, he is appearing in some other matter and even at times, he calls the serving officer and would instruct him to deliver the summon to one of his subordinate and thereafter, the witness despite knowing fully well that he is duty bound to appear before the court deliberately chooses not to appear even without any semblance of reason. Repeated indulgence was shown to Insp. Shitanshu Sharma to appear in the court and even on 29.07.2025 summons were directed to be served through concerned DIG for 27.08.2025, however, he did not choose to appear before the court citing the reason that he was on leave. The lenient view was taken to ensure that witness appears before the court on the next date of hearing

and once again the summons were issued for 22.09.2025 and once again Insp Shitanshu Sharma did not appear before the court on the ground that he has to appear in Gangster Court at Bareilly UP.

3. The summons were once again issued and were directed to be served through concerned Head of Branch/Superintendent of Police. The summons were purported to be received by one HC Praveen Kumar and as per the report of the serving officer, he was directed to hand over summons in office.

4. Ld. Sr. PP for the CBI submits that she had spoken to the witness yesterday i.e. 30.10.2025, it is relevant to mention that perusal of the proceedings sheet would indicate that even at the stage of argument on charge on 16.09.2019, 01.10.2019, 09.10.2019, 22.10.2019 and 23.11.2019 he did not appear before the court and remained absent and orders were even passed for the presence of the concerned SP.

5. Even during the trial, on 18.12.2023, the personal presence of Insp Shitanshu Sharma and HIO was also sought at the time of examination of the witness. The reason for securing the presence of IO and HIO were even detailed in order dated 19.12.2023. On 15.01.2024, bailable warrants were directed to be issued against Insp Shitanshu Sharma and after great difficulty, he appeared on 01.02.2024. Thereafter, on 31.05.2024, notice was also issued to Insp. Shitanshu Sharma to remain present in the court on 22.07.2024 and 23.07.2024. Once again Insp. Shitanshu Sharma did not appear before the court and the Ld. PP for the CBI submitted that she does not require the presence of Shitanshu

Sharma on the next date of hearing, it appears that Ld. PP for the CBI thought it to proceed further rather than calling Insp. Shitanshu Sharma in the court. As already stated, summons were issued to Insp. Shitanshu Sharma on 28.07.2025, 27.08.2025, 28.08.2025, 22.09.2025 and 23.09.2025 in which dates Insp Shitanshu Sharma did not appear.

6. Today, Ld. PP for the CBI has forwarded a request that Insp. Shitanshu Sharma is unable to appear before the court. A careful perusal of the same would reflect that except for stating that due to official exigency he is unable to appear in the court. The request is rejected as no proper reasons were disclosed as well as the previous conduct of Insp Shitanshu Sharma.

7. From the above referred narration as well as list of dates, it is prima facie evident that Insp. Shitanshu Sharma has no due regard for the process of the court and is taking the proceedings in extremely light manner despite the fact that he was an investigating officer of the case and is choosing his own convenience to appear/not appear in the court.

8. Therefore, issue BWs U/s 90 BNSS in the sum of Rs. 10,000/- and also issue notice U/s 389 BNSS to be served through concerned DIG, CBI. The copy of order be also sent to the Director, CBI to ensure that the investigating officer Insp. Shitanshu Sharma remains present on the next dates of hearing. The Director, CBI is also directed to ensure that a Senior Officer remains present in the court as investigating officer of the case is not appearing and taking keen interest in the matter and even no HIO is appearing in the present case.

9. It is directed that BWs shall be executed by the concerned SP or DIG on Insp Shitanshu Sharma. The copy of order as well as notice U/s 389 BNSS be also sent additionally through the DGP, Police Headquarter at Gomati Enclave, Rana Pratap Marg, Dilbagh Colony, Butler Colony, Lucknow, UP 26001 to ensure that the same is served upon Insp. Sitanshu Sharma at the place of present posting (Last known posting as Inspector Shitanshu Sharma, ATS Lucknow).

10. The status report with respect to unserved witnesses has not been filed by the CBI despite directions, the last and final opportunity is granted to the CBI to file the status report.

11. The copy of order be handed over to Sr. Ld. PP for the CBI.  
Put up on **26.11.2025 and 27.11.2025** for PE.

**(HASAN ANZAR)**  
Special Judge (PC Act) CBI-03,  
RADC/New Delhi/31.10.2025