

**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

27.11.2025

Present : Ms. Priyanka Soni, Ld. Sr. PP alongwith HIO/SI Harshit Verma 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.
Sh. Ashish Tiwary, Ld. Counsel for A-3.

1. Total 134 witnesses were cited in the Charge-sheet.
2. Charges were framed on 21.09.2020. Thereafter, number of witnesses were examined and some of the witnesses were dropped after number of documents admitted on behalf of accused persons.
3. A constant endeavour is made to expedite the proceedings as per the mandate of law.
4. On 20.12.2024, a query was put to the prosecution that statement of some witnesses are not available on record and what facts are required to be proved qua those witnesses and a status report was also directed to be filed. Pursuant to which, a status

report was filed on 30.01.2025 by the CBI and the following observations were made on 31.01.2025 as under:-

It is observed that some of the witnesses could not be served as they were not found available at their last known addresses. CBI is directed to file status report with respect to the unserved witnesses by clearly indicating whether it is able to obtain their fresh addresses or not so that summons could be issued/served on the unserved witnesses, including the two unserved witnesses namely Shri Prashant Swain and Shri S.K. Wadhwa. The report shall be filed positively by the CBI on or before the next date of hearing.

5. On 31.01.2025, number of witnesses were dropped and directions were passed by the Court directing the CBI to file report with respect to the unserved witnesses and pursuant to which a status report was filed on 28.02.2025 seeking some more time and it was mentioned in the para 3 and 4 of the status report filed by the CBI:-

3. That vide order dated 31.01.2025 Hon'ble court has directed CBI to file status report in respect of unserved summons to Witnesses. In this regard it is submitted that process of verifying the present/fresh address of unserved witnesses is in progress and all efforts are being taken in this regard.

4. That with respect to remaining unserved witnesses kindly grant some more time to verify the present status of witnesses.

6. Thereafter, the matter was listed on 01.04.2025, 02.04.2025, 03.05.2025, 16.05.2025, 5.06.2025, 28.07.2025, 29.07.2025, 27.08.2025, 28.08.2025, 22.09.2025 and 23.09.2025, however, neither any status report was filed by the prosecution nor, it was

informed/apprised as to how the witnesses (two) from foreign jurisdiction are to be examined. On 31.10.2025 further directions were given to the Prosecution/CBI to file the status report with respect to the unserved witnesses.

7. On 26.11.2025, a status report was filed on behalf of prosecution/CBI in which two witnesses namely Susan E. Wright and Christina M Stepien (*foreign nationals & witnesses to Document D-171*) were mentioned and it was stated that summons may be issued/sent to them and the summons are to be served through Ministry of Home Affairs. Paragraph 3 & 4 of the status report are as under:-

3. That in compliance to the direction vide order dated 31.10.2025, it is respectfully submitted that two prosecution witnesses namely Susan E. Wright and Christina M Stepien are required to be examined.

4. That these witnesses are foreign nationals and residents of USA as such their presence can only be secured through diplomatic channel i.e. through Ministry of Home Affairs.

8. It appears that prosecution is simply prolonging the trial of the present case without any justifiable reason and more specifically so with respect to the witnesses who are in foreign jurisdiction and for a time period of more than 9 to 10 years, prosecution is clueless as to how to examine the witnesses from the foreign jurisdiction except stating that their testimonies/statements are to be recorded. It is notable

to mention that statement of both the witnesses namely Susan E. Wright and Christina M Stepien are not recorded during the investigation and D-171 were placed on record pursuant to the Mutual Legal Assistance Treaty. The status report stating that two unserved witnesses are required to be examined is completely silent as to what ground work was undertaken so that both the witnesses could be examined, if the prosecution is intending to examine them. Examination of the witnesses from foreign jurisdiction specially foreign citizens requires a clear action plan prior to issuance of formal summons for examination of such witnesses as summons are routed through diplomatic channels which incurs huge public expenditure and without doing any basic homework, it would be both waste of time and resources. Accordingly, the prosecution/CBI is directed to submit a categorical report with respect to the availability of the said witnesses and how it proposes to examine them through Video Conferencing or by calling physically in India and even no application was filed by the Prosecution for the last 9-10 years to examine the said witnesses.

9. Accordingly the prosecution is directed to clarify and provide the complete action plan for examining both the witnesses (foreign nationals) by providing the following details:-

(i) Availability of the witnesses in the foreign jurisdiction and the feasibility of their examination.

(ii) If the witnesses are to be examined physically, how it proposes to examine them in India.

(iii) If the witnesses are examined through Video Conferencing, how their examination could be conducted and place of examination through video conferencing and the arrangement relating thereto.

10. The status report/information in detail be filed on **05.12.2025**.

Copy of the order be given *Dasti* to CBI.

(HASAN ANZAR)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/27.11.2025