

CNR No. DLCT11-001429-2019
CC No.354/2019
CBI Vs. Rakesh Tiwari & Ors

26.08.2021

Matter has been taken up today for physical hearing in the Court in compliance of Order No.569/RG/DHC/2021 dated 19.08.2021 of the Hon'ble High Court of Delhi, New Delhi and in partial modification of the office order No. Power Gaz./RACC/2021/17890-17974-C dated 16.08.2021 regarding Duty Roaster of the Judicial Officers.

Present : Ms. Shweta Dhingra Ld. PP for CBI alongwith Inspector Shirish H. Pawde.

A-1 Rakesh Tiwari on bail alongwith Sh. Deepak Badana, Ms.Priyanka Singh, Ms. Anukriti Tiwari Advocates.

Sh. Sunil Kumar proxy counsel for Sh. Amit Tiwari Advocate, Ld. counsel for A-3 Rohit Srivastava.

Ld. Proxy Counsel for A-3 submits that A-3 is not available today due to some personal reasons and he seeks exemption of A-3 orally. Heard. Exemption of A-3 is allowed only for today.

Sh. H. K. Sharma and Sh. Lakshaya Parashar Ld. Counsel for A-4 Rabindra Pardhan.

Ld. Counsel for A-4 has filed an application seeking exemption from personal appearance of accused. Heard. Exemption of A-4 is allowed only for today.

Reply filed on behalf of IO to the application of A-1 under Section 207 Cr. P. C. copy supplied.

Vide this application, A-1 has sought documents as under:-

(i) **D-18 page 5.**

As per reply filed by the IO, there are 4 pages in this documents and mentioning of 5 pages in the list of documents is typographical error.

(ii) D-19 pages 4 and 5.

As per reply filed by the IO, there are only 3 pages in this document and it has been inadvertently typed as 5 pages in the list of documents.

I have also checked the documents on record. The reply of the IO for these documents appears to be correct. There are 4 pages in D-18 and 3 pages in D-19.

(iii) D-24 pages 97 to 209.

These documents have been provided to the Ld. Counsel for A-1 today in the Court. Ld. Counsel for A-1 points out that still some documents are not legible.

I have perused the copies of the documents on record, which are copies of photocopies. Ld. Counsel for A-1 is directed to inspect the judicial record and get the details of the serial numbers which are dim.

(iv) D-27 page 7.

I have perused the judicial record. There is no page 7 in D-27. Page 8 is written after page 6 and inadvertently page no. 7 is left out. There is clerical error in making pagination. There are only 16 pages in D-27 instead of 17 pages.

(v) D-63 pages 1,2,47 and 48.

These documents have been provided to the Ld. Counsel for A-1 today in the Court.

(vi) D-59 CDR from 01.09.2017 to 10.08.2018.

I have perused the judicial record. As per eKYC application form, this SIM was applied on 06.03.2018 and activated thereafter. There can not be CDR before that. IO should check with Service Provider and apprise the court about the same.

(vii) D-60 CDR from 07.08.2018 to 10.08.2018.

As per reply filed by the IO, the mobile of A-1 was seized on 07.08.2018 at the time of his arrest and as such there is no such CDR after 07.08.2018.

(viii) D-62 CDR of 01.08.2017, 21.06.2018 to 08.08.2018.

As per reply filed by the IO, the CDR for 01.08.2017 and 22.06.2018 to 08.08.2018 were not received from the Service Provider.

There is another request in this application for providing the CDR in arranged PDF (OCR) Format to identify the CDR which are in thousand pages.

I have perused the record. Certain CDRs are not datewise. Let the IO be called to explain as to why the Service Provider not provided the CDRs in datewise sequence.

IO is further directed to file the hard copies of the replies to the applications of A-3 and A-4, which were filed by him on 12.04.2021 through email.

Put up for appearance of IO on **28.09.2021.**

(AMIT KUMAR)
Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi
26.08.2021