

CC No. 358/2019
CNR No. DLCT11-001437-2019
RC No. 08(A)/2014/CBI/AC-1/ND
CBI vs. Shambhu Prasad Singh and Ors.

26.09.2025

(Present proceedings have been conducted on Hybrid Mode)

Present : Shri Raj Kamal, Ld. PP for CBI.
HIO/SI Aditya Kumar, physically present.
A-1 Shambhu Prasad Singh, physically present.
Counsel Sh. S. S. Sisodia for A-1, physically present.
Shri N. P. Singh, AR for A-3 M/s Sai Baba Builders and Consultants Pvt. Ltd., physically present.
Shri Anuj Kumar Pandey, Ld. Counsel on behalf of Liquidator for A-4 M/s Dynamic Shells, through VC.
Shri Ravi Ranjan, Ld. Counsel for A-5 M/s Rockside Impex Pvt. Ltd., physically present.
A-6 Rudra Narayan Shukla, with Ld. Counsel Sh. Ravinder Tyagi, both physically present.
A-7 Vinod Gupta with counsel Sh. Sunil Saha, both physically present.
A-8 Manish Rai Mathur with Counsel Ms. Kanishka Bhati, both physically present.

1. PW Pradeep Dheer is served. However, he is has sent a request stating that he is hospitalised for cancer treatment.

2. PW Mrs. Manjari is also served. However, she is not present. A-1 Shambhu Prasad Singh submits that PW Manjari is his wife and that she is not in a position to appear before the Court on account of multiple ailments.

3. **PW47 Mr. M. P. Aiyappa examined and discharged.**

4. Ld. PP for CBI submits that his application dated 13.11.2024 for filing on record few documents and another

application dated 13.11.2024 under section 311 of CrPC to examine one Sh. Anil Kumar Gupta as a witness are pending consideration. Arguments on the applications heard. Record perused.

5. Ld. PP for CBI argues that the documents sought to be filed on record are material documents. He states that these documents are in the nature of: (a) the forged bank guarantees purportedly issued by Kishan Singh Bharti, (b) admitted signatures of Kishan Singh Bharti (Manager, Syndicate Bank), and (c) the specimen signatures of Kishan Singh Bharti. It is his submission that these documents had been sent to CFSL for examination; that expert opinion was received way back in 2016; that however the aforesaid documents, which were received from CFSL on 09.03.2018 (chargesheet filed on 28.11.2016), were inadvertently not filed on record and were instead kept in the CBI *malkhana*. He urges that for a just decision of this case it is essential that these documents be allowed to be taken on record.

6. As regards the application dt.13.11.2024 under section 311 of CrPC, it is the submission of Ld. PP for CBI that Sh. Anil Kumar Gupta is a witness in whose presence specimen signatures of Sh. Kishan Singh Bharti (Manager, Syndicate Bank) were taken and consequently his examination is essential for a just decision of this case.

7. Ld. Counsels for the accused persons have argued on the aforesaid applications straightaway without filing any reply. It is their submission that originals of the allegedly forged EMDs are not filed on record and neither the same is sought to be filed by CBI. They state that the photocopies cannot be allowed to be led in

evidence in disregard of the provisions of the Indian Evidence Act. They submit that in any case these documents are irrelevant for this case and this application has been filed only to delay the trial. On these grounds it is urged by them that the application for additional documents cannot be allowed.

8. As regards the application under section 311 of CrPC, Ld. Defence Counsels submit that Sh. Anil Kumar Gupta who is sought to be examined as a prosecution witness is an irrelevant witness and this is intended only to delay the trial of this case.

9. Having heard the submissions and perused the record, this Court is inclined to allow both the aforesaid applications of CBI.

10. The application of the CBI for filing additional documents is to be allowed inasmuch as this Court is of the view that the said documents are very material for a just decision of this case. The allegations are, *inter alia*, to the effect that forged documents were used in order to secure government tender. The documents i.e. the forged bank guarantees purportedly issued by Kishan Singh Bharti, the admitted signatures of Kishan Singh Bharti (Manager, Syndicate Bank), and the specimen signatures of Kishan Singh Bharti are very essential and vital for this case. Without these documents, the allegations, it appears, cannot be proved. The contention that the allegedly forged EMDs are photocopies is being taken note of with the observation that the documents, needless to say, are to be proved as per the rules of documentary evidence under the Indian Evidence Act. At this stage, Ld. PP for CBI submits that the allegedly forged EMDs which are

on record were the very same which had been used by accused persons to secure the government tender, and as such it is futile on the part of defence counsels to contend that they are photocopies. This Court is making no observations on this count. It bears repetition to state that the documents are to be proved as per the rules of documentary evidence as contained in the Indian Evidence Act.

11. This Court also allows the other application dt.13.11.2024 of CBI under section 311 of CrPC. By way of this application Sh. Anil Kumar Gupta is sought to be examined. Sh. Anil Kumar Gupta is a person in whose presence specimen signatures of Sh. Kishan Singh Bharti (Manager, Syndicate Bank) were taken. Given this, his examination is essential for a just decision of this case.

12. With this, both the aforesaid applications of CBI stand disposed of.

13. IO/HIO of this case shall conduct a verification of the medical condition of PW Manjari. Copy of this order be sent to IO/HIO for compliance.

14. Issue summons to PW Ram Anuj Tiwari (Sr. No. 25) and PW Rajat Suvarna (Sr. No. 51) for the next date of hearing.

15. List the matter on 03.11.2025 for RPE.

(M. P. Singh)
Special Judge (PC Act) CBI-02
RACC/New Delhi/26.09.2025