

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

*CBI Vs. Rakesh Kumar Mishra @ Laddu Baba & Ors.*

*CC No. 382/2019*

*Date of Institution: 31.08.2009*

*IA No. 08/2026*

20.02.2026

ORDER

IA No. 08/2026

1. This order shall dispose Second Application u/s 348 BNSS (Corresponding to Section 311 CrPc) moved on behalf of Prosecution inter-alia contending that in view of the death of LW-57 Sh. Raj Kamal Seth and LW-58 Sh. Raj Kumar Jain, the Prosecution is intending to prove the fraudulent transactions and related documents i.e. D-66 to D-73, D-115 to D-118 and D-121 to D-129 which contains the signatures of deceased employees of bank i.e. Sh. Raj Kamal Seth and Sh. Raj Kumar Jain.

2. It is contended that Sh. Praveen Kumar Tuli was working with late Sh. Raj Kamal Seth (*LW-57*) and is therefore, acquainted with the signature of Sh. Raj Kamal Seth and therefore, competent to prove D-66 to D-73.

3. It is contended that Sh. Sandeep Bagril was working with late Sh. Raj Kumar Jain (*LW-58*) and is therefore, acquainted with the signature of Sh. Raj Kumar Jain on documents and is competent to prove D-115 to D-118 & D-121 to D-129.

4. Reply to the application was filed only on behalf of A-3 and A-8 and it is contended that proposed witnesses are not cited in the list of witnesses and as such they cannot be examined and moreover, both the proposed witnesses had not dealt the documents in question and at the fag end of the trial prosecution cannot be permitted to examine witnesses and to introduce new facts. Rest of the Id. Counsels did not file reply to the application and advanced oral submission.

5. Application was opposed by the accused persons by contending that application has been moved belatedly and it is also contended that Prosecution has not explained as to how the proposed witness could identify the signature of Raj Kamal Seth and Sh. Raj Kumar Jain after lapse of so many years.

6. It is also contended that in the garb of the present application, new facts are being introduced into the record and is an exercise to fill the lacunae and it is further contended that mere identification of the signature of the document would not suffice as proposed witnesses had never handled such documents and the prosecution is attempting to prove contents of the document which was never in the custody or knowledge of the proposed witnesses and by examining the proposed witnesses new facts are being brought into the record.

7. Id. Counsel for A-2, A-10 and A-17 has left into the discretion of the Court to pass an appropriate order.

8. I have considered the submissions made by both the sides.

9. Perusal of the document i.e. D-66 to D-73, D-115 to D-118 and D-121 to D-129 would reveal that document are basically Account Opening Form, Cheques, Vouchers etc. which were dealt by the deceased witnesses during their course of employment with the concerned bank and as per Prosecution, the proposed witnesses were working with deceased employees and as such they are conversant with their signatures and handwriting.

10. The contention of Ld. Counsel for the accused persons that due to lapse of time, the proposed witnesses will not be in a position to identify the signatures and handwriting of deceased witnesses as the documents are more than 18-19 years old and exercise to get identify the signatures and handwriting is an attempt on the part of Prosecution to fill the lacunae. In this regard, it is observed that whether witnesses were/are able to identify the signatures of deceased employees is an issue that is to be considered at an appropriate stage which is essentially based on the testimonies of the proposed witnesses examined by the Prosecution and at this stage the Prosecution cannot be stopped from bringing the necessary witnesses for the purposes of identifying the signatures and handwriting on the documents.

11. In so far as the apprehension of the Ld. Counsel for accused persons that new facts would be introduced by the Prosecution. It goes without saying that examination of the proposed witnesses are only confined to the aforesaid exercise of identifying the signatures and handwriting of the deceased employees and whether the

document has been proved or its content has been proved shall be considered at an appropriate stage.

12. Considering the fact that proposed witnesses are stated to be conversant with signatures and handwriting of deceased employees it would be just and proper to permit the Prosecution to examine both the witnesses. Moreover, no prejudice shall be caused to the accused persons as they would get sufficient opportunity to cross-examine the witnesses.

13. In view of the above mentioned discussion, the application is allowed, the Prosecution is permitted to examine Sh. Praveen Kumar Tuli and Sh. Sandeep Bagril and not more than one opportunity shall be provided to the Prosecution to examine both the aforesaid witnesses. It is clarified that examination of the above mentioned witnesses would not be a ground to seek an adjournment or deferment of recordal of Statement of IO PW-121 Suman Kumar.

14. With these observations, the application (*IA No. 08/2026*) stands disposed of.

**(HASAN ANZAR)**  
Special Judge (PC Act) CBI-03,  
RADC/New Delhi/20.02.2026