

**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

25.04.2026

Present : Sh. Shekhar Gehlot, Ld. PP alongwith HIO Shiv Kumar for the CBI.
ASI Kuldeep Kumar & HC Purushotam Kumar from Malkhana alongwith case properties and Ct. Gulshan Kumar from System Division.
A-2, A-3, A-5, A-8, A-9, A-10, A-12, A-17 on bail (through VC).
A-1, A-4, A-6, A-7, A-11 and A-16 on bail.
A-13 is absent.
Proceedings against A-14 and A-15 stood abated vide orders dated 25.07.2017 and 09.12.2021 respectively.
Sh. Rahul Poonia and Sh. Gaurav Kumar, Ld. Counsels for A-2 & A-10.
Sh. S. Prasad, ld. Counsel for A-3 & A-8. (Through VC).
Ms. Prableen Kaur, Proxy for Sh. Umakant Kataria, ld. LAC for A-9. (Through VC)
Sh. S.K. Sharma, ld. Counsel for A-1, A-5, A-11 and A-13.
Sh. J.K. Dhingra, Sh. Ranjan Kumar, Ms. Prerna Dhingra and Sh. Tushar Grover, ld. Counsels for A-4, A-6, A-7, A-12 and A-16.
Sh. Indra Lal, ld. Counsel for A-17. (Through VC).

1. Separate application seeking exemption from personal appearance has been filed on behalf of A-13. For the reasons mentioned in the application, accused No. 13 is exempted from his personal appearance for today through his counsel.

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2. PW-121 Suman Kumar is present, he submits that he is unable to depose as he has just received information regarding the unfortunate demise of his Uncle and he is proceeding to attend his last rites and he requests that date in the month of May 2026 may be given.

3. Considering the request made by PW-121, PW-121 Suman Kumar is discharged unexamined.

At this stage, the application (IA No. 10/2026) is taken up for consideration/arguments.

4. Perusal of the record indicate that while disposing of Application (IA No.09/2026) dated 13.04.2026, a cost of Rs. 5,000/- was imposed on the Prosecution.

5. It is contended by ld. PP for CBI submits that the application for recall of witnesses was filed with bonafide intention and not to delay the proceedings. It is also contended in ***The People of India Vs. Union of India & Ors. (W.P. CrI. 1203/2024)***, a cost of Rs. 75,000/- was waived of by Hon'ble High Court.

6. It is further submitted by ld. PP for CBI that application for recall vide (IA No.09/2026) was filed as it was disclosed that Praveen Tuli had disclosed that he was not acquainted with the signatures/handwriting of deceased Raj Kamal Seth.

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7. Ld. Counsels have opposed the application and submit that if the averment made in the present application for waiver of cost are considered then, it is clearly reflected that previous application for examining Praveen Tuli was made without any proper due diligence.

8. I have considered the submission on behalf of both the sides.

9. The prosecution in the present case has moved three applications for examining the witnesses. The second and third applications were allowed on 12.02.2026 (*IA No. 08/2026*) and 13.04.2026 (*IA No. 09/2026*) respectively and the cost was imposed in the present case as applications were filed repeatedly for examining the witness(s).

10. The present case is one of the oldest case pending in the Court and therefore, prior to filing the second application, the prosecution should have conducted the due diligence whether Sh. Praveen Tuli can identify the handwriting/signatures of Raj Kamal Seth and the cost as imposed is not excessive and it is only meant to make prosecution aware that it cannot repeatedly file applications at the fag end of the trial.

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11. Accordingly, the present application (*IA No. 10/2026*) is dismissed and the cost of Rs. 5,000/- be paid to DSLSA, RADC be paid (*Receipt be filed within a week*).

12. Issue fresh summons to Sh. V.K. Gupta and PW-121 Suman Kumar for **12.05.2026** and **13.05.2026**.

13. Issue fresh summons to Malkhana and System Division, to deputy official(s) who should be present alongwith the case properties and relevant equipment on the scheduled dates.

(HASAN ANZAR)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/25.04.2026