

**IN THE COURT OF MS. NIRJA BHATIA, SPECIAL JUDGE, PC
ACT (CBI)-03, ROUSE AVENUE DISTRICT COURT, NEW DELHI**

**CBI Vs. Rakesh Kumar Mishra @ Laddu Baba etc.
IA No.2/2022 in R/CC 382/2019**

05.09.2022

Pr.: Sh. Praneet Sharma, Id. Sr. PP for CBI alongwith SP Sh. Amit Sanjay Kadam and HIO/DSP Rakesh Kumar Singh.
Surety Sh. Ram Singh Verma alongwith Id. Counsel S.K. Sharma.

Reply filed by the HIO regarding the fact that NSCs bearing No. 47DD 246258, 88EE 805873, 47DD 246259 and 47DD 246257 stands in the name of the applicant. Copy be supplied.

The status of accused Sh.Krishna Kumar Verma (cited as witness at sl. no. 83) qua whom the applicant stood surety is not very clearly detailed, however Id. Sr. PP states that he is not named as accused. The charge-sheet shows that he was proposed as accused under column no. 12. Similar status is shown qua Sh. Surender Kapoor, (cited as witness at sl. no.82), Sh. Vikas Ahuja (cited as witness at sl. no.81), Sh. Surender Kumar Sharma (cited as witness at sl. no.84) and Sh. Chatan Sachdeva, who were arrayed as accused initially. At the stage of cognizance, they are not summoned and later part of charge-sheet shows their status as witness.

Another surprising circumstance is reveled regarding non-receipt of the amounts admittedly in possession of the witnesses namely Sh.Birender

Bahadur Singh. As per the charge-sheet, he received total amount of Rs.12 lakhs and handed over only Rs.10 Lakhs to CBI (IO noted that he assured to return the remaining amount). Similarly, Sh. Murlidhar Tiwari (cited as witness at sr. No.34) received amount of Rs.21 Lakhs from Sh. R.K. Mishra (A1) and returned only Rs.9 Lakhs which was seized by CBI with the assurance that remaining amount of Rs.12 Lakhs shall be returned. However, no report/receipt of the residue in possession of witness is stated. It is assumed that efforts for their recovery are under way and in process.

In this background, the amount kept towards NSEs be released to the applicant in the interest of justice, having regard to the fact that accused have not summoned. The Bond is now deemed to have discharged by afflux of time.

Application stands disposed of accordingly.

(Nirja Bhatia)
Spl. Judge (PC Act) CBI-03
RADC/New Delhi/05.09.2022