

**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*

15.10.2024

Present : Ms. Rohini Anand, Ld. PP for the CBI alongwith HIO/DSP Shri Rakesh Kumar.  
A-1 Rakesh Kumar Mishra @ Laddu Baba produced from District Jail Basti, UP – Through VC.  
Jail Warden Shri Parveen Yadav (Mobile No. 8808846623) – Through VC.  
A-5, A-7, A-8, A-9 and A-13 on bail.  
A-3 and A-10 on bail – Through VC.  
A-2, A-4, A-6, A-11, A-12, A-16 and A-17 are absent.  
***Proceedings against A-14 and A-15 stood abated vide orders dated 25.07.2017 and 09.12.2021.***  
Shri S.K. Sharma, Ld. Counsel for A-1, A-5, A-6, A-7, A-11, A-13 and A-17.  
Shri S.P.M. Tripathi, Shri Rahul Poonia and Shri Deepak Sharma, Ld. Counsels for A-2, A-4 and A-10.  
Shri S. Prasad, Ld. Counsel for A-3 and A-8 – Through VC.  
Shri Uma Kant Kataria, Ld. Counsel for A-9 – Through VC.  
Shri Shambhu Kumar, Ld. Counsel for A-12 and A-16.

Separate applications seeking exemption from personal appearance have been moved on behalf of A-2, A-4, A-6, A-12, A-16 and A-17. For the grounds mentioned in the applications, the above-said accused persons are exempted from personal appearance for today through their counsels.

A-11 Manoj Kumar Shukla is neither present physically in the court nor he is present virtually in the court. Shri S.K. Sharma, Ld. Counsel for A-11 in attendance submits that he has no contact with A-11. Usually criminal trial requires the presence of an accused. Despite knowing that today case is listed for PE, A-11 has chosen not to appear in the court and has also not informed his counsel. In the present case,

two witnesses are in attendance. One of the witness is a senior citizen and another witness is an expert. Both the witnesses have come outside Delhi.

Section 355 of Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS) provides that when personal attendance of the accused is not necessary or the accused persistently disturbing the proceedings and if he is represented by an advocate then the court may proceed with enquiry or trial in his absence. Considering the fact that accused is represented by a counsel who is present in the Court and for the default of A-11, the present trial cannot be postponed and accordingly, the testimonies of the witnesses in attendance shall be recorded. It is also noted that the Ld. Counsel is also representing A-1, A-5, A-6, A-7, A-13 and A-17 in this case and it is up to him to consider in respect of participation qua A-11 in the present case. Issue Bailable Warrants in the sum of Rs.500/- against A-11 Manoj Kumar Shukla.

PW24 Shri Jai Prakash Narayan is examined, cross-examined and discharged. Ld. Counsel has marked his attendance for the Accused No. 11.

PW99 Shri Vijaya Shankar is partly examined-in-chief and further examination of PW99 is deferred as a meeting is scheduled at 01.00 PM and therefore, the case be taken up in the post lunch session.

Put up for further examination of PW99 in the post lunch session.

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15.10.2024 (In the Post Lunch Session)

Present : As before.

PW99 Shri Vijaya Shankar is examined-in-chief and his cross-examination is deferred for the reasons mentioned in the testimony of PW99. PW99 Shri Vijaya Shankar is bound down for the date already fixed i.e. 16.10.2024.

The present case is one of the oldest case in the court and most of the witnesses are not residents of Delhi and prosecution has relied upon voluminous record. Previous proceedings would reveal that testimonies of some of the witnesses were deferred for the reasons that either documents were not located and it is also noted that while recording the deposition of the witnesses, the requisite documents which are proposed to be referred in the testimonies of the witnesses are not arranged in proper manner and accordingly, it is directed that prosecution prior to summoning a particular witness shall ensure that the requisite record are arranged in proper manner so that testimonies of a particular witness could be recorded in a seamless manner and precious judicial time is not wasted.

Put up on the date already fixed i.e. **16.10.2024** for P.E.

Shri Parveen Yadav, Jail Warden, District Jail Basti, UP is directed to produce A-1 Rakesh Kumar Mishra @ Laddu Baba in the court tomorrow i.e. 16.10.2024 either physically or virtually.

Copy of the order be provided to the Id. PP and one copy be sent to the concerned Superintendent of Police, CBI, ACB, ND.

**(HASAN ANZAR)**

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