

CBI/28/2022
CBI Vs. PREM CHAND KASHAYAP
CNR No. DLCT12-000033-2022

25.07.2025

Present: Sh. Ranvijay Singh, Ld. PP for CBI.

Accused is absent.

PW Tek Chand Sharma is present.

Matter is listed today for PE.

In the interest of justice, matter is passed over for the want of accused.

(Deepak Kumar-II)
CJM/RADC/New Delhi
25.07.2025

Present: Sh. Ranvijay Singh, Ld. PP for CBI.

Accused is absent.

Ms. Ranjana Doshi, Ld. Counsel for accused.

PW Tek Chand Sharma and PW Harjeet Singh are in person.

Matter is listed today for PE.

This is second call.

An exemption application has been moved on behalf of accused Prem Chand Kashyap. Heard. Perused. Same is allowed for today only for the reasons mentioned therein and subject to the condition that the identity of the accused shall not be disputed and there shall be no objection in the event of recording of evidence in his absence.

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At this stage, an application has been filed on behalf of CBI for summoning of original record pertaining to the present case, as the same is stated to be lying in the court of Ld. Special Judge (PC Act), CBI-19, RADC, New Delhi.

Heard and perused.

The details of requisite documents pertaining to the PWs in attendance today namely Tek Chand Sharma and Harjeet Singh have not been mentioned in the instant application. Be that as it may.

It is noted that on 06.02.2025, it was submitted on behalf of CBI that an appropriate application seeking summoning of original documents from the court of Ld. Special Judge, (PC Act) (CBI)-19, RADC, New Delhi would be moved before the NDOH. Liberty was granted to the CBI for doing the needful failing which this court would be constrained to call an explanation from the concerned HOB.

In spite of the above, instant application was not moved before the NDOH and the same has been filed today itself when the witnesses are present for their examination. In the interest of justice, application filed on behalf of CBI seeking summoning of original record is allowed. Let a request letter be sent to the court of Ld. Special Judge, (PC Act) (CBI)-19, RADC, New Delhi requesting to direct for production of the

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documents filed in the case titled as CBI Vs. Shiv Kumar & Ors. being CC No. 27/2020 before this court today itself.

In the interest of justice, be awaited.

(Deepak Kumar-II)
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Present: As above.

This is third call.

At this stage, original record in pursuance of the application filed by the CBI, which was allowed in the second call, has been produced. Now, it is submitted on behalf of CBI that original record pertaining to the present case is lying in this court only and the same was not in the court of Ld. Special Judge(PC Act) (CBI)-19, RADC, New Delhi.

At this stage, PW-2 and PW-3 have been examined, cross-examined and discharged. **Pertinently, the documents i.e. D-6 and D-9 of the list of documents were shown to the witnesses from the record available with this court only.** Diet money be paid to both the PWs as per rules.

At this stage, on being inquired, it has been submitted by the Ld. PP as well as Naib Courts that the copies of documents i.e. D-6 and D-9 or any other document pertaining to

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the present case are also not there in the record which has been summoned on the application filed on behalf of CBI.

This court fails to understand as to why the instant application seeking summoning of original record lying in the case titled as CBI Vs. Shiv Kumar & Ors being CC No. 27/2020, from the court of Ld. Special Judge was got summoned when it has nothing to do with the present case as even the copies of the documents put to PWs today were not there. Moreover, when the original record is already with this court then, why the instant application was moved on behalf of Prosecution and adjournments on various dates were taken. In this regard, orders dated 18.11.2024, 03.01.2025, 06.02.2025, 02.04.2025 and 28.05.2025 are apt to be referred here.

The aforesaid clearly requires serious introspection as various dates have been wasted for moving the application for summoning the original record from the superior court and when the record has been summoned, then it has been simply submitted that the original records are lying with this court only. This is nothing but sheer wastage of the precious judicial time and lack of participation/coordination on part of the Prosecution as well as the Naib Courts concerned amongst themselves. This court is of the further opinion that it was the bounden duty of the Prosecution to cross check the record before making the submissions i.e. that the original record is lying with the superior court and more so before moving the instant application.

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In the interest of justice, Prosecution is warned to remain careful in future, failing which strict action would be taken.

In the meanwhile, at request, let PW namely Deepanshu Goyal mentioned at Serial No. 14 of list of witnesses be summoned through HIO for the NDOH.

List for PE on **28.08.2025**.

(Deepak Kumar-II)
CJM/RADC/New Delhi
25.07.2025