

CNR No.DLCT11-000-409-2020

CBI No. 48/2020

CBI v. Rajeev Sharma

RC-DAI-2019-A-0039/CBI/ACB/New Delhi

U/s. 7 of PC Act, 1988 (As amended in 2018)

11.03.2022 (At 10:42 PM)

Presence: Sh. Neelmani, ld. PP for CBI along with HIO/Insp.
Amit Kumar Pandey.
Accused Sh. Rajeev Sharma in person on bail.
Sh. Naveen Kumar, ld. counsel for accused.

Ld. PP for CBI submits that PW Sh. Arvind Singh Chauhan mentioned at serial no.10 of the list, is witness to the same facts, for which two other witnesses have already been examined from NHDC Ltd. and therefore, he seeks to drop this witness. In view of submissions made by ld. PP for CBI, PW Sh. Arvind Singh Chauhan is dropped as witness in this case. His name be deleted from the list of witnesses.

As per report, summons were sent to next witness mentioned at serial no. 7 of the list of witnesses. HIO has filed a print of a message received from PW Sh. Shiv Dayal Dwevedi, wherein he has made request for another date on the grounds that he received summons on 10.03.2022 itself and therefore, he is unable to appear before this court in Delhi from Bhopal/his native place in M.P. The given reason by the witness for his non-appearance is very logical and it is basically not possible for any person to appear before the court on such a short notice.

Ld. PP for CBI submits that initially summons for this witness was not taken because another witness Sh. Arvind Singh Chauhan was supposed to be examined; but subsequently it was decided to drop him as witness to similar facts have already been examined. Summons for Sh. Shiv Dayal Dwevedi be taken today itself for next date of hearing and be served upon

him in person at the earliest possible time. He be summoned for next date of hearing.

HIO has filed report from CFSL (Physics Division) and a sealed parcel with seal of “DKT PSO (PHY) CFSL CBI N. DELHI”. HIO informs that this contains copies of Q1 and S1 for the purpose of supply to accused and ld. PP for CBI. Same is opened. This parcel contains three CDs with endorsement “copy of exhibits Q1 & S1” and bearing CFSL-2020/P-166. One copy each is supplied to accused and ld. PP for CBI and the third copy is kept on the record. HIO has also filed certified copies of CAF and CDR of mobile phone no. 9425086844 in the name of accused. Accused himself had moved an application under Section 91 Cr.P.C wherein he had sought preservation of CAF and CDR of mobile numbers of certain persons including himself and aforesaid mobile number. In that situation, I do not find any impediment in taking these documents on the record. Copy of CFSL report and CAF, CDR etc. is also supplied to the accused.

An application under Section 91 Cr.P.C. has been moved by accused, wherein accused has made prayer to call on the record the CDRs, CAF and location details of the phone numbers as directed vide order dated 23.03.2021. He further seeks direction to CBI to provide the copy of the same to the applicant/accused in order to defend himself. I have heard ld. counsel for applicant/accused. After making certain submissions, ld. counsel seeks liberty to withdraw this application. Accordingly, this application is dismissed as withdrawn.

Put up for RPE on 06.04.2022 and 20.04.2022.

(Pulastya Pramachala)
Special Judge (CBI-13), PC Act,
RADC, New Delhi/11.03.2022