

CLOR 5/2023
CBI Vs. CLOSURE REPORT (KARUA)
CNR No.DLCT12-000067-2023

20.07.2024

Present: Mr. Chandan Kumar Singh, Ld. Sr. PP for CBI.
IO Insp. Sumit Kumar is absent.
HIO/Insp. Jaswinder Singh in person.

Oral Request for exemption from personal appearance has been made by Ld. Sr. PP for CBI on behalf of IO on the ground that he is busy in investigation of another case. Request stands allowed for today only.

In terms of previous orders, written explanation of SP pertaining to 14 cases including the present case which pertains to the examination which was held for recruitment of Watch and Ward staff (Category-IV Post) investigated on the complaint of Food Corporation of India filed in CBI vs. Javed Ali, CBI case No. 48/2022. As per the written explanation, it is stated that the IO has been directed to conduct further investigation as per order dated 06.04.2024 and provide necessary assistance to complete the further investigation in a time bound manner and file compliance report before this court. Further, it is stated that the IO has been directed to produce the relevant CDRs before this court. Further, it is stated that IO has been directed to trace statements of Invigilators and also to trace the Supervisors/Observers and record their statements. It is also stated that in one of the case i.e. CBI vs. Karua, the accused

Karua was traced and produced before the court on 06.06.2024. Further, it is stated that in regard to filing of closure report, a decision in this regard was taken by the Competent authority in discussion with other Senior Officers on the advise of Legal Officers. It is stated that in the light of tracing the accused Karua, the IO has been directed to conduct further investigation and move appropriate application before this court including withdrawal of closure report and file a fresh final report based on the outcome of further investigation.

Further, a compliance report in terms of last order is filed by HIO Jaswinder Singh. The same is perused. As per the report, it is stated that due to voluminous nature and the pandemic of Covid-19, the investigation was delayed. Further, it is stated that during investigation CDRs of GM Sh. Chandra Shekhar Verma and other officials of M/s. Ace Integrated Solution Pvt. Ltd. had been collected by the Investigating officer but inadvertently, it was not filed with the final report and the same are lying in the CBI Malkhana. **IO orally submits that he will file the said CDRs alongwith supplementary report on the next date.** Further, it is observed that in respect of para No.3 of the previous order, the status report is silent i.e. nothing is mentioned in regard to the efforts made to obtain the CDR of Sh. Amresh Kumar/complainant and the other officials of FCI.

Further, it is stated that IO has not obtained the CDR of mobile number of proposed accused Karua and notice U/s. 92

CrPC has been issued to Jio but they responded that the said number was not active in Jio and hence could not provide the CDR of Karua.

Further, as per the status report, it is stated that a notice U/s. 91 CrPC was sent to M/s. Ace and Govt. Girls Sr. Secondary School, R.K.Puram, New Delhi to provide the CCTV footage of FCI examination and details of Invigilators/Supervisors. It is stated that Mr. Chander Shekhar Verma, MD of M/s. Ace appeared in CBI office and his statement was recorded. It is stated that as per the FCI tender documents, the CCTV installation recording of the examination was not in the scope of M/s. Ace. It is stated that Mr. Chander Shekhar Verma provided Invigilator Tally Report of 14 schools, in which 14 suspected candidates appeared for the exam as well as the details of the Observers from M/s. Ace. It is stated that from the said documents, it was revealed that Mrs. Kasturi was Observer in Exam, and she could not be contacted as she was not present at her residential address. Further, it is stated that the said school in its reply stated that the CCTV footage cannot be provided as it is not available with the school. Further, it is stated that the said school provided only details of Invigilator namely Mrs. Praveen Kumari and not the details of the Supervisor. Further, Mrs. Praveen Kumari could not be contacted as her address and contact numbers were not provided by the school and efforts are being made to obtain her and that of Supervisor details.

Further, it is stated that the Preliminary Inquiry Report of the FCI is part of the record. HIO seeks time to give clarification as to whether Preliminary Inquiry Report of FCI is part of the chargesheet or not and to file the same alongwith Supplementary report, if it is not on record. Clarifications be given on the next date.

Further, it is stated that as per the status report that notice was issued to the proposed accused Karua who was produced before this court on 06.06.2024 and his statement was recorded. It is also stated that his specimen handwriting and thumb impression were taken and he has also provided his bank account details. It is also stated that investigation with regard to his role is under process.

Further, it is stated that the Invigilator Tally Report of 14 schools of suspect candidates was provided by M/s. Ace and it revealed the details of the rooms in which 14 accused/suspect candidates were seated and the name of the Invigilator. It is stated that the said schools did not provide the number of rooms in which FCI examination was held.

At this stage, IO is directed to show his case diary in regard to the further investigation which he has carried out. IO submits that he has not brought his case diary. It is disappointing to see that despite detailed directions given by the undersigned, the Investigating Agency is not serious about the present case. It is expected from the every IO that when directions are given for further investigation, the case diary is to be carried to the court

for this court to monitor the investigation which is being carried out.

Issue court notice to the HoB concerned with direction to give written explanation in regard to the casual attitude of the HIO who has failed to bring his case diary to the court for next date.

Further, ld. Sr. PP for CBI and IO submits that the further investigation is in progress and the supplementary report will be filed on the next date.

Ahlmad has filed his report stating that no documents and statements filed by the IO in this case. IO is directed to file the accompanying documents and statements on next date.

List for further proceedings on **05.10.2024**.

Copy of this order be sent to the SP concerned for intimation.

HIO is bound down for next date.

(Sonam Singh-I)
CJM/RADC/New Delhi
20.07.2024