

CC No. 19/2020
RC No. 221 2016 (E) 0035
Branch: CBI/EO-III/New Delhi
CBI vs Ved Prakash Agarwal & Ors.
U/s 120-B r/w Sec. 420 & 471 IPC and substantive offences thereof.

05.10.2020.

Matter taken up today in compliance of Office Order No. Power Gaz/RADC/2020/E-15009-15097 dated 26.09.2020 and also in continuation to orders No.819-903/DJ/RADC/2020 dated 16.05.2020, No. E1792-1876/DJ/RADC/2020 dated 22.05.2020, No. E-2574-2639/DJ/RADC/2020 dated 29.05.2020, No. E-3943-4029/DJ/RADC/2020 dated 13.06.2020, No. E-4121-4205/DJ/RADC/2020 dated 15.06.2020 and No. Power/Gaz./RADC/2020/E-5577-5661 Dated 29.06.2020, Power/Gaz./RADC/2020/E-6836-6919 Dated 14.07.2020, Power/Gaz./RADC/2020/E-7784-7871 dated 30.07.2020, Power/Gaz./RADC/2020/E-8959-9029 dated 16.08.2020 and No. E-10559-10644/Power Gaz/RADC/2020 dated 28.08.2020 of Ld. District & Sessions Judge-Cum-Spl. Judge (PC ACT) (CBI) Rouse Avenue District Court, New Delhi.

The present matter is being taken up today through video conferencing as regular functioning of the Courts at District Courts has been suspended since 23.03.2020 vide office orders of Hon'ble High Court of Delhi bearing Nos. 373/Estt./E1/DHC dated 23.03.2020, No.159/RG/DHC/2020 dated 25.03.2020, No.R-77/RG/DHC/2020 dated 15.04.2020, No. R-159/RG/DHC/2020 dated 02.05.2020, No. R-235/RG/DHC/2020 dated 16.05.2020, R-305 /RG/DHC/2020 dated 21.05.2020, No.1347/DHC/2020 dated 29.05.2020, No.17/DHC/2020 dated 13.06.2020, No.22/DHC/2020 dated 29.06.2020, No. 24/DHC/2020 dated 13.07.2020, No. 26 /DHC/2020 dated 30.07.2020, No. 322/RG/DHC/2020 Dated: 15.08.2020 and 417/RG/DHC/2020 dated 27.08.2020 and pursuant to the letter dated 20.09.2020 of Ld. Registrar General, Hon'ble High of Delhi, New Delhi.

The hearing of the present matter is being taken up via Cisco WebEx Platform in the presence (onscreen) of:

Present: Ld. Senior PP Sh. A.P. Singh, Ld. DLA Sh. V.K. Sharma and Ld. DLA Sh. Sanjay Kumar for CBI along with IO Dy. SP. Sunit Kumar Pal.

Advocate Sh. Akshay Nagrajan on behalf of Ld. Special P.P. Sh. R.S. Cheema.

A-1 Ved Prakash Agarwal, A-2 Ashok Kumar Chaturvedi and Sh. Satnam Singh AR of A-3 M/s Prakash Industries Limited are present.

Ld. Counsels Sh. Vijay Aggarwal and Sh. Nagesh Behl for A-1 Ved Prakash Agarwal, A-2 Ashok Kumar Chaturvedi and A-3 M/s Prakash Industries Limited.

I. APPLICATION FOR REQUEST FOR PLACING ON RECORD STATEMENT OF A WITNESS moved by CBI.

On 02.09.2020 on the official email ID of this Court, IO Dy SP. Sunit Kumar Pal submitted an application along with supplementary list of witness, supplementary list of document and copy of statement of Sh. Ravindra Nath Chaturvedi recorded u/s 164 Cr. PC.

It has been submitted by the IO Dy. SP Sunit Kumar Pal in his application that inadvertently the copy of statement of Sh. R.N. Chaturvedi which was recorded u/s 164 Cr. PC by Sh. Satvir Singh Lamba, Ld. ACMM on 17.12.2019 could not be placed on judicial record. It has been further mentioned in the application that no other document/statement of any witness is lying in CBI Malkhana except the statement of accused persons recorded during the course of investigation. IO has accordingly prayed that CBI may be permitted to place on record the aforesaid statement of Sh. R.N. Chaturvedi and include the name of Sh. Satvir Singh Lamba, Ld. ACMM as a witness, in the list of witnesses.

Copy of aforesaid application was earlier supplied to Ld. Counsel Sh. Vijay Aggarwal on the very same day on his E-mail ID.

Hard copy thereof be also placed in the judicial file as and when normal functioning of the courts is resumed.

Today, Ld. Counsel Sh. Vijay Aggarwal submits that he has no objection, if the aforesaid application of prosecution is allowed.

Heard. Considered.

In view of the submissions made and considering the overall facts and circumstances of the case, the application of CBI seeking to place on record the statement u/s 164 Cr. PC of Sh. R.N. Chaturvedi recorded by Sh. Satvir Singh Lamba, Ld. ACMM and including of name of Sh. Satvir Singh Lamba, Ld. ACMM as a witness in the list of prosecution witnesses, is allowed.

Accordingly application under consideration is disposed off.

II. APPLICATION UNDER SECTION 207 CR. PC, 1973 BY AND ON BEHALF OF APPLICANT/ACCUSED NO. 3 M/S PRAKASH INDUSTRIES LTD. THROUGH ITS AUTHORIZED REPRESENTATIVE FOR SUPPLY OF COPIES OF THE DOCUMENTS WHICH HAVE RELIED UPON BY CBI IN THE CHARGE SHEET BUT ARE NEITHER APPEARING IN THE LIST OF DOCUMENTS NOR SUPPLIED TO THE APPLICANT/ACCUSED.

On 01.10.2020 on the official email ID of this Court, Ld. Counsel Sh. Nagesh Kumar has moved an application u/s 207 Cr. PC on behalf of applicant/accused M/s Prakash Industries Ltd. (A-3), through its authorized representative for supply of copies of the documents which have relied upon by CBI in the charge sheet but are neither appearing in the list of documents nor have been supplied to the applicant/accused.

Copy of the same was supplied to Ld. Prosecutor on his email ID.

Hard copy thereof be also placed in the judicial file as and when normal functioning of the courts is resumed.

Today, Ld. Senior PP Sh. A.P. Singh for CBI submits that he has received the aforesaid application on Saturday only i.e. on 03.10.2020 on his email ID but a perusal of the said application shows that most of the documents as have been sought for are already available in the final report u/s 173 Cr. PC except the CFSL report, which is yet to be received by CBI from CFSL. Ld. Senior PP further submitted that as and when the same is received from CFSL, it will be placed on judicial record and also a copy of the same will be supplied to the accused persons.

As regard the documents which are stated to in other language except English and Hindi language, Ld. Senior PP Sh. A.P. Singh submits that same will be got translated in English language and copy of the same will also be supplied to Ld. Counsel for accused persons before the next date of hearing.

Ld. Counsel Sh. Vijay Aggarwal for A-1 to A-3 very fairly stated that in view of the submissions made by Ld. Senior PP Sh. A.P. Singh, compliance u/s 207 Cr. PC may be deemed to have been completed.

Heard. Considered.

Considering the facts and circumstances of the case and in view of the submissions made, the aforesaid application u/s 207 Cr. PC moved on

behalf of A-3 M/s Prakash Industries Ltd. also stands disposed off.

Accordingly, case is now required to be adjourned for arguments on the point of charge, but Ld. Defence Counsel Sh. Vijay Aggarwal submits that a perusal of the final report filed u/s 173 Cr. PC filed by CBI shows that documents i.e. D-134 to D-147 are also the documents which were collected by investigating agency during the course of investigation and have been also relied upon by the Prosecution in its report u/s 173 Cr. PC. But a perusal of the record shows that the said documents have not been considered by the investigating agency in coming to its conclusion as drawn in its report u/s 173 Cr. PC and he accordingly intends to move an application u/s 173 (8) Cr. PC seeking directions for further investigation.

Heard. Considered.

Ld. Counsel Sh. Vijay Aggarwal has been told that though he is well within his rights to move an application u/s 173 (8) Cr. PC but this Court deems it appropriate to observe that instead of moving application u/s 173 (8) Cr. PC, it will be appropriate that first arguments on the point of charge are heard from both sides and if during the course of said arguments on the point of charge, anything is required to be got clarified from investigating agency/prosecution, then necessary steps will be taken as per law.

Accordingly, case is now adjourned for arguments on the point of charge to 10.12.2020.

A digitally signed copy of this order is being sent to Sh. Mukesh JJA, Computer Branch, RADDC via WhatsApp for uploading it on the official website of Delhi District Courts.

A copy of order is being retained, to be placed in the judicial file as and when normal functioning of the courts is resumed.

The present order has been dictated on phone to Steno Pawan Singhania.

**(Bharat Parashar)
Special Judge, (PC Act)
(CBI), Court No. 608
Rouse Avenue Court
NEW DELHI
05.10.2020.**