

SC No.5/19
CNR No. DLCT11-000512-2019
State v Dr. Shashi Tharoor

Matter is taken up today for hearing through Video Conferencing hosted by Sh. Brijesh Andani, Reader of the court through Unique Court ID on CISCO WEBEX Meeting App. in view of the Order No.Power/Gaz./RADC/2020/E-8959-9029 dated 16.8.2020 of Ld. District and Sessions Judge-cum-Special Judge, CBI (PC Act), RADC, New Delhi.

24.8.2020 **(Proceeding through VC on CISCO WEBEX)**
Present: Sh. Atul Srivastava, Learned Additional PP for the State with Sh. V. K. P. S. Yadav, ACP, Crime Branch, SIT Member.
Sh. Vikas Pahwa, Ld. Sr. Advocate with Sh. Gaurav Gupta and Sh. Swastik Dalai Advocates for the accused.
Dr. Shashi Tharoor absent.

Today, the matter is listed for consideration of the application of the accused seeking directions to the police to take appropriate steps for preserving tweeter accounts/tweets of deceased Ms. Sunanda Tharoor. On the last date while hearing the matter through VC the Ld.Counsel for the accused/ applicant was directed to send a copy of the application on the official email ID of the court and the prosecution was asked to send a copy of reply to the said application at the official email ID of the court i.e. readercbi09radc@gmail.com.

I was informed by the reader of the court that reply to application has been received at the official email ID of the court from Sh. V. K. P. S. Yadav, ACP, Crime Branch, Member SIT, and later on, he also received e mail with attachments containing some email communications regarding Tweets preservation requests, between the Tweeter (Legal) and the I/C (Technical) Surveillance Unit, South District, New Delhi. These

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communications are with regard to tweeter account of @shashitharoor and @sptvrock. The reply and the said communication have been sent to me through WhatsApp as well. The Ld.Counsel for the applicant /accused has not sent the copy of the application though directed on last date.

In the reply sent by Sh. V. K. P. S. Yadav, ACP, Crime Branch, Member SIT, he has submitted that the information pertaining to these accounts has already been preserved and he has referred to Folder "B" of the Charge-sheet, pages-967 to 969 where the relevant documents are placed.

Since the file is not physically available with me, therefore, the documents referred in the reply could not be seen. With regard to the reply, it was submitted by Sh. Vikas Pahwa, learned senior Advocate that it does not make clear whether the tweeter accounts and tweets of the deceased have been preserved by the concerned agency. He submitted that if the IO still affirms that the records have been preserved then he would withdraw the present application. However, before taking statement of the I.O. in this regard I would like to go through the contents of the application and the documents referred in the reply of the state.

Having considered the submissions and above facts, I intend to list this application for hearing on 05.9.2020. If the physical hearing in courts on experimental basis is initiated from 01.9.2020, then I will be holding the court physically on 05.9.2020, otherwise, this application will be taken up for hearing through VC only.

Learned senior advocate for the applicant/accused has again been asked to furnish the copy of the application online at the official email ID of the court i.e. readercbi09radc@gmail.com.

Matter be listed on **05.9.2020 at 10.30 am** for physical

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hearing in case physical hearing in courts is resumed otherwise through VC as the case may be.

The Digitally signed order is being sent to Sh. Brijesh Andani, Reader of the Court on E-mail ID of the court i.e. readercbi09radc@gmail.com with the direction to place the order on the record as and when the regular functioning of the Courts is resumed or whenever he visits court as per Duty Roaster and send copy of the order to Computer Branch, RADC for uploading on Official Website.

**(AJAY KUMAR KUCHAR)
Additional Sessions Judge/
Special Judge (PC Act),
CBI-09 (MPs/MLAs Cases),
RADC, New Delhi: 24.8.2020 (SR)**