

25.08.2020

Present: Sh.Lalit Mohan, Ld. PP for CBI.
Sh.Rohit Sharma, ld. counsel for A1 with A1.
Sh.Shashi Shankar, ld. counsel for A2 with A2.
Sh.Arun Mahajan, ld. counsel for A3 with A3.
Sh.Mahender Kumar, ld. counsel for A4 with A4.
Sh.Rajiv Mohan, ld. counsel for A5 with A5.
Sh.Anand Verdhan Maitreya, ld. LAC for A6 with A6.

Matter has been taken up through video conference.

Sh.Rajiv Mohan, Ld. Counsel for accused no.5 has moved an application with the prayer for physical hearing of the matter. It is stated in the application that matter is listed for arguments on charge and such arguments on charge would likely to take long time and it would be difficult to address the arguments through VC. It is further mentioned in para 4 of the application that ld. counsel for accused no.5 does not want to miss any important point while making submissions as it would be going to be long arguments.

Sh.Rohit Sharma, ld. counsel for accused no.1 has also submitted that he would also like to address arguments in the physical hearing. Same is the prayer by moving an application from accused no.4.

I have heard the submissions. Though there is no denial that as per rules of VC and the guidelines laid down by Hon'ble High Court from time to time, it was to be ensured that consent of the ld. counsel for the parties be taken for taking up the proceedings through VC. It is matter of record that earlier when some of the lawyers did not come for proceeding further trial in the matter, through VC, this Court did not proceed ahead with the matter.

It is however at the same time known to all and sundry that due to lockdown the physical court hearings have been suspended since 22.03.2020 till date. In such scenario there has been guidelines from the Government as well as from Hon'ble High Court of Delhi insisting upon to maintain social distancing and to take up the proceedings through VC as much as possible.

In this application moved with the prayer for physical hearing it does not mention any logical reasons for physical hearing. Specifically when the entire record in electronic form/soft copy has been provided to all the accused persons and their lawyers and is available with them and with this Court. Any document, statement etc. can always be referred while addressing the arguments even through VC. Therefore, I do not find much merits in the applications. However, also taking into consideration the fact that as per the latest guidelines of Hon'ble High Court physical hearings of 1/3rd of the courts are going to be started w.e.f. 01.09.2020. Therefore, the prayer of the ld. counsels of different accused persons in this case is being accepted. Matter would be taken up in physical hearing on 04.09.2020, subject to following conditions :

(i) That all the ld. counsels for different accused persons would file written arguments within a week from today. Ld. PP for CBI can also file the written arguments in this case. Copy of these written arguments would be exchanged among defence counsels and ld. PP for CBI.

(ii) No further adjournment would be granted for addressing the arguments and arguments on charge would be required to be completed on 04.09.2020.

It is being specifically observed that it is the duty of this Court as well as all concerned including ld. counsels for accused persons that wherever it is possible

delay in the matter be avoided, one must cooperate in the judicial process to avoid the delay. Specifically when already 4/5 months have been wasted without actual judicial work. For the sake of insisting upon physical hearing, there must not be any excuse to prolong the proceedings.

Part of the arguments of Ld. PP for CBI on the point of charge heard.

With such observations now matter is being fixed on 04.09.2020 for arguments on the point of charge.

(Shailender Malik)
Special Judge (PC Act), CBI
Rouse Avenue Courts, New Delhi
25.08.2020