

Misc. DJ ASJ No. 69/2019
H. B. Chaturvedi Vs. CBI and Others

26.08.2020

Present: None for applicant.

Sh. Umesh Chandra Saxena, Sr. PP for CBI/Respondent No. 1.

Sh. Ajinkya Tiwari, Advocate for respondents/accused No. 2, 3, 4 and 13.

Sh. Kartik Bhardwaj, Advocate for respondent Nos. 6 & 7.

Sh. Ms. Sheffali Chaudhary, Advocate for respondent No. 14.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

Order was ready to be pronounced. However, at this stage Sh. Ajinkya Tiwari, Advocate stated to be appearing for respondents/non-applicants No. 2, 3, 4 and 13 reveals a startling fact that he is also Associate of the Ld. Counsel for Applicant/accused H. B. Chaturvedi.

In other words, he is also counsel for the Applicant/accused. He further states that he has also filed vakalatnamas on behalf of respondents/non-applicants No. 2, 3, 4 and 13 and applicant/accused H. B. Chaturvedi.

Since, the Court had directed for separate vakalatnamas to be filed, it is not acceptable how a counsel could represent two different parties between whom there may be a clash of interest.

It was the applicant/accused H. B. Chaturvedi alone, who sought the transfer/trial of certain cases in one and the same Court. This Court needed to ascertain as to whether, any of the accused persons/non-applicants had or did not have any objection.

Filing of separate vakalatnams was certainly not a mere

formality, as it seems to have been treated by the Ld. Counsel Sh. Ajinkya Tiwari.

However, at this stage, I have perused the statement of no objection recorded on behalf of respondents/non-applicants No. 2, 3, 4 and 13.

As regards, respondents/non-applicants No. 2, 4 and 13, there seems to be not much difficulty as they themselves had appeared for recording of their statements.

However, as regards respondent/non-applicant No. 3, it is the same Advocate Mr. Ajinkya Tiwari, who had given 'no objection' statement to be 'under instructions'.

However, in order to ensure that the client i.e. respondent/non-applicant No.3 indeed has no objection, it is absolutely now necessary for the personal appearance of respondent/non-applicant No.3 through VC to record his 'no objection' statement.

Respondent/non-applicant No.3 is directed to appear in person through VC and he shall be identified by the particular holding IO(s) of the three cases in which he is an accused. His fresh statement regarding 'objection' or 'no objection' would need to be recorded.

At this stage, Sh. Bhuvnesh Satija, Ld. Counsel for applicant/accused has appeared through VC.

Let notice be issued to respondent/non-applicant No.3, through Holding IO(s), of the following three cases, by electronic means, with directions to both, to appear in person through VC:

- i. CC No. 266/2019, CBI Vs. Dwarkadhish Spinners Ltd., RC No. BD1/2009/E008/BS&F/ND;
- ii. CC No. 272/2019, CBI Vs. Shamkeen Multifab Ltd., RC No. BD1/2009/E/0013/ND; and
- iii. CC No. 273/2019, CBI Vs. Shamkeen Spinners Ltd., RC No. BD1/2008/E/0010/BS&FC/ND.

List on 27.08.2020 for appearance of respondent No. 3 and recording of his statement in presence of the IO.

Hard copy of this ordersheet be placed on record in the judicial file as and when physical functioning of the courts is resumed.

A copy of this order be also sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/26.08.2020

**Criminal Revision No. 07/2020
Rajesh Gulati Vs. CBI and Another**

26.08.2020

Present: None for revisionist.

**Sh. Umesh Chandra Saxena, Sr. PP for CBI/respondent
No.1.**

**Sh. Shivam Batra with Sh. Akshay Bhardwaj, Advocate for
complainant/respondent No. 2 NAFED.**

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

It is submitted by Sh. Shivam Batra, Ld. Counsel for complainant / respondent No. 2 that they have not been served with the notice of this revision.

I have perused the record and considered the submissions.

The submissions of Ld. Counsel are found to be correct. In fact, there has not been any direction for issuance of notice to the complainant/respondent No.2 so far.

Accordingly, since the respondent No. 2 / complainant is already represented, they accept the notice of the revision.

In order to avoid any further delay, let a copy of the revision and reply, already filed by the CBI, alongwith other annexures, be supplied to Ld. Counsel for complainant/respondent No. 2 through electronic mode during the course of day. **Ahlmad is directed to do the needful.**

Reply, if any, be filed after serving an advance copy to the opposite party.

List on 31.08.2020 at 03.30 PM for final arguments.

Hard copy of this ordersheet be placed on record in the judicial file as and when physical functioning of the courts is resumed.

A copy of this order be also sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/26.08.2020

**CBI No. 309/2019
CBI Vs. Afzal Ahmed**

26.08.2020

Present: Sh. Umesh Chandra Saxena, Sr. PP for CBI.

None for accused.

Matter has been taken up in terms of orders of Hon'ble High Court bearing No. 26/DHC/2020 dated 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020, through "Hyperlink URL For Conferencing Via Cisco Webex."

This matter is at the stage of prosecution evidence.

However, in terms of orders of Hon'ble High Court No. 26/DHC/2020 dated 30.07.2020 and No. 322/RG/DHC/2020 dated 15.08.2020, till 31.08.2020 evidence shall be recorded only in *ex-parte* and uncontested matters where the same is required to be tendered by way of affidavit.

Accordingly, list on 11.11.2020 for PE.

Hard copy of this ordersheet be placed on record in the judicial file as and when physical functioning of the courts is resumed.

A copy of this order be also sent to the Computer Branch to be uploaded on the official website.

(SUJATA KOHLI)

District & Sessions Judge-cum-Spl. Judge
(PC Act) (CBI)/RADC/ND/26.08.2020