

IN THE COURT OF SH. CHANDRA SHEKHAR, LD.SPECIAL
JUDGE, CBI-19 (PC ACT), ROUSE AVENUE DISTRICT COURTS,
NEW DELHI

Ref: RCAC-1 2020A0004
U/s: 7A, 8, 9, 10 & 12 of
Prevention of Corruption Act,
1988 r/w sec. 120B of IPC

CBI v. N.M.P. Sinha & Others

14.10.2020

Presence:

(Through CISCO WEBEX Meetings App)

Ld. Sr. Public Prosecutor Sh. Raman Kumar for the CBI.

Sh. Ravinder Kumr, Inspector of Police, CBI, AC-1, New Delhi,
IO of the case.

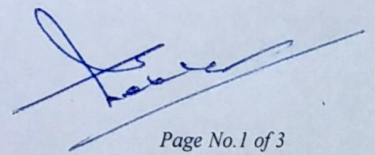
Accused Parth Jalan, accused A. K. Jha and accused Rajiv Ranjan
in person.

Ld. Counsel Sh. Rajiv Bhatnagar for accused Raj Kumar Kapoor.

ORDER ON APPLICATION OF CBI SEEKING
PERMISSION TO RECORD VOICE SAMPLES OF
SOME OF THE ACCUSED AND OTHER PERSONS

An application was moved before the Ld. Principal District
& Sessions Judge-cum-Special Judge (PC Act) Ms. Sujata Kohli, Rouse
Avenue District Courts, New Delhi seeking permission to record voice
samples of some of the accused and other persons during investigation of
the aforesaid case, who assigned the said application today, to this court
for adjudication and disposal of the same.

I have heard the submissions of Ld. Sr. Public Prosecutor
for the CBI, accused persons who appeared through video conferencing
and Ld. Defence Counsel for accused Raj Kumar Kapoor on the
aforesaid application through CISCO WEBEX Meetings App arranged
by Sh. Raj Kumar, Reader of this court.

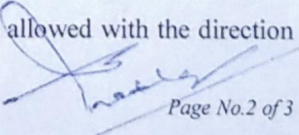


Ld. Sr. Public Prosecutor for the CBI has submitted that Parth Jalan, A. K. Jha, Rajiv Ranjan and Raj Kumar Kapoor are accused in the present case; recording of their voice sample is necessary for further investigation of the case, therefore, present application may be allowed in view of case law titled as 'Ritesh Sinha v. State of Uttar Pradesh passed by the Hon'ble Supreme Court on 02.08.2019'. The copy of the application was sent to all the aforesaid accused persons in advance.

I have considered the submissions, perused the application and the aforesaid judgment and enquired from the accused persons present today through video conferencing, if they want to address their submissions on the present application. The accused Parth Jalan, A. K. Jha and Rajiv Ranjan have submitted that they do not have any objection to the present application and they are ready to co-operate with the CBI for further investigation of the case and are also ready to give their voice samples as and when so required by the CBI. The aforesaid accused persons have been identified by the IO and they are not in the custody of CBI.

Ld. Defence Counsel Sh. Rajiv Bhatnagar has submitted that he is appearing for accused Raj Kumar Kapoor; the accused is not able to attend the proceedings today through CISCO Webex Meeting App due to some inevitable circumstances however, he has instructed him to state on his behalf that the accused has no objection to give his voice sample to CBI for further investigation of the case subject to his rights under Article 20(3) of the Constitution of India.

I have considered the submissions of Ld. Sr. Public Prosecutor for the CBI, the accused persons and the Ld. Defence Counsel for accused Raj Kumar Kapoor; since all the accused persons and Ld. Defence Counsel for accused Raj Kumar Kapoor have submitted that they have no objection to give their voice samples for further investigation of the case and the accused persons are not in custody of CBI, therefore, present application of CBI is allowed with the direction

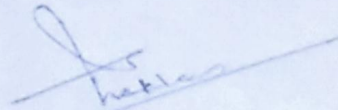


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that CBI may record the voice samples of all the aforesaid accused persons strictly as per law and in such a mode and manner that their rights under Article 20 (3) of the Constitution of India be not violated in any manner. The application is allowed in view of the aforesaid judgment and subject to aforesaid direction and disposed of accordingly.

A copy of this order is being sent through Whats App to Sh. Raj Kumar, Reader of this court with a direction to get this order uploaded on the official website of Delhi District Courts at the earliest through Computer Branch, Rouse Avenue Courts Complex, New Delhi. He is also directed to send a Whats App copy of the order to the respective counsel of the parties at the earliest. A signed hard copy of the order shall be placed on record as soon as work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.

Dated: 14.10.2020



CHANDRA SHEKHAR
Special judge, CBI-19 (PC Act),
Rouse Avenue District Courts, New Delhi