

CNR No. DLCT11-000125-2019
CC No.01/2020
CIS No. 55/2019
CBI Vs. Lalu Prasad Yadav & Ors.
RC No.220 E 0013/2017
PS : CBI/EO-II/ND
under Section 120-B r/w Section 420 IPC
& Section 13 (2) r/w 13 (1) (d) of the PC Act

11.11.2025

(Hybrid Hearing)

Present : Mr. D. P. Singh, Ld. Sr. Advocate and SPP for CBI (through VC) along with Mr. Manu Mishra, Mr. Imaan Khera and Ms. Garima Saxena, Ld. Advocates for CBI. Inspector Ramendra Dhiman, CBI.
Accused Lalu Prasad Yadav (A-1) is exempted.
Mr. Sumit Singh, ld. Counsel for A1, A2, A3 and A4.
Accused Rabri Devi (A-2) is exempted.
Accused Tejashwi Prasad Yadav (A-3) is exempted.
Accused company M/S Lara Project (A-4) is exempted.
Accused Vijay Kochar (A-5) (through VC).
Mr. Kaustubh Chaturvedi, ld. counsel for A5, A6 and A14 (through VC).
Accused Vinay Kochar (A-6) (through VC).
Accused Sarla Gupta (A-7) (through VC).
Mr. R.K. Handoo and Mr. Gaurav Vishwakarma, Ld. Counsels for A7 and A9 (through VC).
Accused Pradeep Kumar Goel (A-8) through VC.
Mr. Neeraj Gupta and Mr. Ranjeet Kumar Singh, Ld. Counsels for A8.
Accused Prem Chand Gupta (A-9) (through VC).
Accused Rakesh Saksena (A-10) (through VC).
Mr. Sanjay Abbot and Ms. Sanjana Mishra, Ld. Counsels for accused A10 (through VC).
Accused Bhupendra Kumar Aggarwal (A-11) (through VC).
Accused Rakesh Kumar Gogia (A-12) (through VC).
Vinod Kumar Asthana (A-13) (through VC).
Ms. Varwika Singh, ld. Counsel for A13.
Accused Vinay Kochar on behalf of accused company M/s Sujata Hotel (A-14) (through VC).

1. PW12 (Raj Kumar Chand) and PW13 (Vibhuti Narain) have been examined-in-chief. Cross-examination of these witnesses is deferred.
2. Any objections pertaining to the documents tendered during the examination-in-chief can be taken by the Id. Counsels for the accused persons when PW12 and PW13 are recalled for cross-examination.
3. Submissions have previously been heard on the application of accused no. 1, 2 and 4 moved on 27.10.2025.
4. The first prayer in the said application had sought time for four weeks to commence cross-examination of the witnesses summoned by this court vide order dated 16.10.2025. A similar prayer had been made through a separate application of accused no. 5, 6 and 14 for grant of time beyond 17.11.2025 for prosecution evidence to be conducted.
5. The court has already directed for the cross-examination of witnesses examined-in-chief thus far (PW1 to PW13) to be deferred. The prayers of the above applicants have, in effect, been allowed by the court.
6. The second prayer through the application of accused no. 1, 2 and 4 is for the matter to be listed 'not before one week after each hearing'. The Id. Sr. Counsel for the said accused has submitted that in its order dated 21.12.2023 in *Court on its own motion Vs. Union of India and Anr. W.P. (Crl.) 1542/2020*, the Hon'ble High Court of Delhi had only directed for listing of matters pertaining to MP/MLAs once a week and no directions were given for day to day listing of such matters. Reliance had

also been placed on the decision of the Hon'ble Supreme Court in *Baljinder Kumar @ Kala Vs. State of Punjab Crl. Appeals No. 2688-2689 of 2024* to agitate that the court must guard against 'hasty enthusiasm in disposing off a case'.

7. It had been further submitted by the Id. Sr. Counsel that it would be of convenience for preparation of cross-examination if dates other than day to day dates were considered by the court.
8. The application of A-1, A-2 and A-4 was opposed by the Id. Sr. Counsel for the CBI on the submission that a day to day trial is rather the mandate for any Court of Sessions and that this court, being a designated court for trial of cases pertaining to MP/MLAs, must expedite proceedings in terms of the directions in *Court on its own motion* as well as the directions of the Hon'ble Supreme Court vide order dated 09.11.2023 in *Ashwani Kumar Upadhaya Vs. Union of India and Anr. W.P (C) No. 699/2016*.
9. Having considered the above prayer of A-1, A-2 and A-4, the court would observe at the outset that the listing of a matter in trial on any particular date or in any particular order of dates is a part of the essential function of a court of trial. Such function is discharged with reference to the nature of the case, the gravity of the allegations, the number of accused as well as witnesses and a plethora of other circumstances which arise on a continuous basis. The control over trial is as much a prerogative of the court as it is a dynamic process. While the convenience of the respective counsels is always considered by a court, the prerogative of the court cannot be ceded or bound

by a pre-emptory order, only on the asking of the parties. The court reserves the right to list matters on daily basis, in bulk dates or in any other order.

10. The decision in *Court on its own motion* has been misconstrued by the ld. Sr. Counsel for A-1, A-2 and A-4. The relevant excerpt is reproduced below:

“2(ii) The designated Courts shall, as far as possible, list such cases at least once a week; not grant any adjournment in the same unless extremely necessary and shall take all requisite steps for expeditious disposal of such cases. Wherever the examination/cross-examination of a witness stretches beyond the given day, the matter, as far as possible, shall be listed on a day-to-day basis till the evidence of such witness is concluded.

11. Apparently, far from restricting the listing of such matters to only once a week, the Hon’ble High Court infact directed for the listing to be at least once a week. Moreover, a specific direction was rendered for a day to day listing of the matter till the deposition (examination/cross-examination) of witnesses was concluded. Hence, the submission on behalf of the applicants is in the face of the explicit directions of the Hon’ble High Court.

12. Infact, in the same order dated 21.12.2023, the Hon’ble High Court referred to the directions of the Hon’ble Supreme Court dated 09.11.2023 in *Ashwani Kumar Upadhaya* wherein it was directed that the trial court shall not adjourn shall cases except for rare and compelling reasons.

13. The spirit of the above directions from the higher courts is for trial of such cases to be expedited, adjournments to be

avoided and for evidence to be recorded on a day to day basis once it is commenced. The court is therefore disinclined to bind and restrict its future daily orders by introducing a negative direction *inter alia* “not listing the matter before one week after each hearing”, as prayed by the applicants.

14. The court would lastly highlight a recent decision from the Hon’ble Supreme Court, reported as *CBI Vs. Mir Usman alias Ara 2025 SCC Online SC 2066* wherein it has been specifically directed that when the stage of examination of witnesses starts such examination shall be continued from day to day until all the witnesses in attendance have been examined, except for special reasons to be recorded in writing. The Apex Court further directed that when witnesses are in attendance no adjournment or postponement shall be granted without examining them, except for special reasons to be recorded in writing. Lastly, the Presiding Officer of each court has been given the liberty to evolve a system for framing a schedule of constructive working days for examination of witnesses in each case, well in advance, after ascertaining the convenience of counsels on both sides.

15. This court has considered the convenience of the multiple defence counsels in the context of the first prayer in the application of A-1, A-2 and A-4 by permitting the cross-examination of the initial group of witnesses (PW1 to PW13) to be deferred. In effect, the prayer of A-1, A-2 and A-4 as well as A-5, A-6 and A-14 for grant of adequate time for commencing cross-examination has already been allowed.

16. However, the second prayer, for the matter to be listed only after a gap of one week between dates, is not maintainable, practicable or justified and is declined for the reasons recorded above.
17. For ensuring efficient, fair and expeditious recording of evidence, the following schedule is drawn up for cross-examination of witnesses already examined-in-chief:
1. 05.12.2025 - PW1 and PW2
 2. 06.12.2025 - PW3 and PW4
 3. 15.12.2025 - PW5 and PW6
 4. 16.12.2025 - PW7 and PW8
 5. 17.12.2025 - PW9 and PW10
 6. 18.12.2025 – PW11
 7. 19.12.2025 – PW12 and PW13
 8. 20.12.2025 - Any cross-examination/remaining cross-examination of witnesses examined-in-chief till then.
18. The CBI shall also specify, on 12.11.2025, the list of other witnesses who can be examined-in-chief from 24.11.2025 to 04.12.2025.
19. List for the above compliance by the CBI on **12.11.2025** and for PE on **24.11.2025**.

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Dr. Vishal Gogne
Special Judge [PC Act][CBI]-24
(MP/MLA cases), RADC),
New Delhi/11.11.2025