

**IN THE COURT OF ANIL KUMAR SISODIA
SPECIAL JUDGE (PC ACT)(CBI)-07: ROUSE AVENUE COURTS:
DELHI**

I.A. No. 20/2020

IN

CC No.281/2019

CBI

Vs

Mahesh Kumar & Ors.

ORDER

18.08.2020

1. Vide this order I shall dispose of an application filed by A-1 Mahesh Kumar seeking permission to travel abroad to New York, USA from 25.07.2020 to 24.01.2021 and for release of passport.
2. Notice of the application was issued to CBI. Reply to the application has been filed by CBI.
3. I have heard Sh. H.K. Sharma, Ld. Counsel for the applicant/A-1 and Sh. A.K. Kuswaha, Ld. PP for CBI on the application through video conferencing hosted by Sh. Mukesh Kant Sharma, Reader of the court using CISCO WEBEX.
4. In the application, A-1 has sought permission for release of passport and permission to travel to New York, USA during the period of 25.07.2020 to 24.01.2021 on the ground that his son Sidharth Garg, who is residing in USA since 2005 and is working with New York University as a professor, suffered head injury and is under treatment at U.S.A and has also been seeking medical advice from India through video conferencing. It has been stated that earlier also due to the illness of his son, applicant had visited New York after seeking permission from the court vide order dated 25.01.2020 and had returned back to India within the stipulated time. It is submitted that in view of

the precarious health condition of his son, applicant is compelled to take journey to USA despite the fact that Corona Pandemic exists and there are very few flights available for such journey. It has been stated that the applicant is required to travel abroad to New York USA for the bonafide needs to take care of his son. Along with the application, applicant/A-1 has also filed medical documents showing the health condition of his son.

5. In the reply filed by CBI, the application has been vehemently opposed and it has been stating that the applicant is seeking permission to travel abroad for a long duration of six months which should not be allowed as the case is pending at the stage of prosecution evidence and his absence would cause undue delay in the trial. It has further been stated that any other family member of the applicant/A-1 can visit USA and attend the ailing son of the applicant. The permission granted by the court earlier cannot create any right for seeking further permission. Prayer has been made for dismissal of the application.

6. Counsel for the applicant/A-1 has argued that there is no one else in his family member who can travel to USA and take care of his ailing son. It has been submitted that the mother and mother-in-law of the applicant are aged about 86 year and 82 years old respectively and are suffering from various old age ailments. The wife of the applicant is required to stay back in India to look after them. The other son of the applicant, namely Rohan Garg, is also suffering from anxiety disorder, major depressive disorder and obsessive compulsive disorder and he has been taking treatment earlier from USA and now in India and he is not in position to travel abroad and take care of his elder brother. Applicant has also filed medical documents of Rohan Garg, his mother and mother-in-law in support of his submissions. It has also been argued that applicant is also planning to bring back his son SidharthGarg to India as he is residing alone in USA and some time will be required for winding up and completing the formalities in USA and he has prayed that time of at least three months may be given to the applicant.

7. Ld. PP for CBI has argued on the lines of reply and has submitted that the applicant should not be allowed to travel abroad in the times of COVID

Pandemic when International flights are disrupted and there is possibility of applicant getting stuck in USA which may cause unnecessary delay in the trial.

8. Perusal of the record shows that accused has been traveling abroad from time to time and there is no complaint against him for violation of any conditions stipulated by the court. It is also matter of record that the trial of this case has already been stayed by Hon'ble Supreme Court vide order dated 14.08.2017 and the tentative date is fixed before Hon'ble Supreme Court is in September, 2020. Hence, there is no question of hampering of the trial in the absence of the accused. Taking into consideration, overall facts and circumstances, the application is allowed and accused is permitted to travel to New York, USA from 20.09.2020 to 20.12.2020 for bringing back his son to India, subject to the following terms and conditions:-

(i) Applicant/A-1 shall file detailed itinerary in the court along with the copies of his return tickets.

(ii) Accused shall furnish additional security of Rs. 3 lakh each in the form of FDR.

(iii) Accused shall inform about his arrival within 48 hours.

(iv) In any eventuality, accused will not request for extension for staying abroad on any ground whatsoever.

(v) Accused will not tamper with the evidence in any manner and will not use the permission granted to him contrary to the rules.

(vi) Accused will submit the addresses of his stay in aforesaid place along with telephone/contact numbers with an undertaking that he will return to India and will appear before the court in case any such instructions is conveyed to him telephonically or otherwise.

(vii) Accused will file an undertaking before leaving the country that he will strictly comply with the terms and conditions of the order.

(viii) Accused will furnish the address and undertaking of his counsel that no adjournment shall be sought in his absence and notice, if any, will be accepted by the counsel on behalf of the accused.

(ix) Accused will also furnish the undertaking of his surety that his surety will not withdraw the surety bond till accused returns back to India from abroad.

As regards the prayer for return of passport, it has been pointed out by the Court Master that the passport of the applicant/A-1 is not deposited in the court as it is already released to him. Hence, this prayer is rejected.

However, it is made clear that permission shall be subject to other applicable rules & regulation and will not be deemed as directions to any authority except the permission to travel abroad from the side of the court.

Application is disposed of accordingly.

Copy of the order be given dasti, as prayed for.

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

**ANIL
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**(Anil Kumar Sisodia)
Special Judge (PC Act), (CBI)-07,
Rouse Avenue Courts, New Delhi
18.08.2020**

**IN THE COURT OF ANIL KUMAR SISODIA
SPECIAL JUDGE (PC ACT)(CBI)-07: ROUSE AVENUE COURTS:
DELHI**

I.A. No.11/2020

IN

CC No.402/2019

CBI

Vs

I.M. Quddusi & Ors.

ORDER

18.08.2020

1. Vide this order I shall dispose of an application filed by A-5 Dr. Sudhir Giri seeking permission to travel abroad to United Kingdom from 20.08.2020 to 20.09.2020.
2. Notice of the application was issued to CBI. Reply to the application has been filed by CBI.
3. I have heard Sh. Vijay Aggarwal, Ld. Counsel for applicant/A-5 and Sh. Harsh Mohan Singh, Ld. Sr. PP for CBI on the application through video conferencing hosted by Sh. Mukesh Kant Sharma, Reader of the court using CISCO Webex.
4. In the application, A-5 has submitted that his son Master Ribhav Giri is a Special Education Needs (SEN) child diagnosed with Autism Spectrum Disorder (ASD) since birth. Applicant has secured admission of his child in Manor Greens School at London which is a school for children of special needs. It is further stated that school has scheduled a tour for parents of the pupil in September 2020. The copy of email dated 24.06.2020 has also been annexed with the application.

It has been submitted that the applicant is a well known educationist and has received various awards and recognitions in the field of education. It has also been submitted that prior to this, applicant has been granted permission by the court to visit U.K. vide order dated 17.01.2020 and 27.02.2020 and the applicant has complied with the orders of the court and had appeared before the court after returning from U.K. He is required to travel abroad again as his child is required to attend the school in the first week of September for which presence of applicant would be required to make arrangements for hassle free stay of his child. The son of the applicant needs to meet his tutor and thereafter school tour shall be organized and his school session is likely to initiate in the same month. The presence of the applicant is required to have thorough check of the school and its facilities to ensure and safeguard his child in the post COVID era. It is further submitted that the applicant is also required to clear the electricity and rent dues and further to get the faults rectified in the electric system of his house in London and his wife is unable to speak English and therefore it is necessary for applicant to visit London. He has also annexed some emails in this regard along with the application. He has further submitted that his house has been lying vacant as applicant and his family are in India and the house needs to be sanitized before the family of the applicant shifts there.

5. In the reply filed by CBI, the application has been opposed vehemently on the ground that applicant is an accused in the case under PC Act and the matter is pending trial. It has been stated that the photocopy of the documents annexed as A-8 and A-9 are not authentic and their genuineness is not verified. Perusal of the emails filed by the applicant shows that the meeting with the school will be conducted online through Teams Apps for which presence of accused in U.K. is not required. As regards payment of dues of electricity and house rent,

it is stated that the applicant is not required to visit London and the same can be paid online. It has been stated that as per the previous application, family of the applicant is staying in U.K. and applicant has filed this application on flimsy grounds. There are chances of accused/applicant absconding and not returning to India, thus frustrating and prejudicing the trial. A prayer has been made for dismissal of the application.

6. Counsel for the applicant has argued on the line of his application and has submitted that applicant has never misused the liberty granted by this court to travel abroad. He has further submitted that wife and children of the applicant are in India and applicant is required to travel abroad for making necessary arrangements for their stay in London. He is also required to attend the programme organized by the school on 03.09.2020 as per the email received from the school. He has further submitted that the rented house of the family of the applicant in London is lying vacant and he has to make necessary arrangements for sanitization and house keeping before his family can shift there. Applicant is also required to get the electricity faults rectified due to which huge electricity bills are being raised by the concerned authority and his presence in London is necessary for performing the aforesaid jobs.

7. Per Contra, Ld. Sr. PP for CBI has vehemently opposed the application on the ground that the presence of applicant is not required in London as perusal of email dated 02.08.2020 [Annexur 8 (colly)], shows that the programme "Meet the Tutors" is being organized via Teams Apps and therefore, there is no requirement of going to London personally. He has also argued that the payments of electricity and house rent dues can also be paid online and arrangement for sanitation and house keeping can be made from India itself.

8. I have given my thoughtful consideration to the rival arguments and I have perused the documents filed by the applicant carefully.

9. Perusal of the email dated 02.08.2020 [Annexure-8 (colly)] shows that the programme “Meet the Tutors” scheduled on 03.09.2020 at 03.00 PM is to take place through Teams App. As per this email, the children will be meeting their tutors online prior to the formal start of the school. It is also pertinent to notice that this invitation from the school is in response to the email dated 22.06.2020 sent by Adam Shah on behalf of applicant and his family (available at page 68). Perusal of this email shows that the applicant has sought appointment from the school and not visa-versa. There is another email dated 02.08.2020 from AfC RBWM CYPDS addressed to applicant and his son which states that they are unable to take any further action until the son of applicant returns to U.K. and applicant has been advised to contact once his son is residing aback in the U.K. Perusal of these emails show that mere visit of applicant to London will not serve any purpose unless his son also goes to U.K. The meeting scheduled for 03.09.2020 can very well be attended by the applicant and his son from India itself using Teams App.

10. Similarly, for the purpose of payment of electricity and house rent dues, perusal of email dated 02.08.2020 [Annexure A-9] shows that the rental property of the applicant at London is being managed by Rebecca Sumner, property manager. Perusal of the emails show that the applicant is already coordinating with the property manager through Adam Shah who has been corresponding on behalf of the applicant with the school as well as property manager. Hence, the complaints regarding electricity faults or sanitization and house keeping can very well be arranged by the property manager and there is no requirement of applicant visiting the London. Similarly, the outstanding payment of electricity and house rent can be made through Net Banking/Online

Banking and there does not appear to be any urgent requirement of applicant visiting London more particularly in the time when there are no proper International flights operating due to COVID Pandemic.

In view of the aforesaid discussion, I do not find any urgent or justified ground to allow the application to permit the applicant to travel abroad. The application accordingly stands dismissed and disposed of.

On the request of counsel, copy of the order be given dasti.

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

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2020.08.18
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(Anil Kumar Sisodia)
Special Judge (PC Act), (CBI)-07,
Rouse Avenue Courts, New Delhi
18.08.2020

CBI Vs. Sudhir Kumar Jain & ors.

CC No. 402/2019

18.08.2020

Present: Sh. A.K. Kushwaha, Ld. PP for CBI.
Sh. Nikhil Pillai & Sh. Balasubramanian Ramesh, Ld.
counsels for A-1.
Ms. Menaka Khanna & Sh. Shri Singh, Ld. counsels for A-2
& A-3.
Sh. Vikas Walia, Ld. counsel for A-4.
Ms. Ranjana Roy, Ld. counsel for A-5.
Ms. Smrithi Suresh, Ld. counsel for A-6.

The matter has been taken up through video conferencing using CISCO WEBEX hosted by Sh. Mukesh Kant Sharma, Reader of this Court.

This is a contested matter at the stage of prosecution evidence. In view of the circular No. Power/Gaz/RADC/202/E-7784-7871 dated 30.07.2020 issued by Ld. District & Sessions Judge-cum-Spl. Judge (PC Act) (CBI), RADC, New Delhi, pursuant to Order No. 26/DHC/2020 dated 30.7.2020 of Hon'ble High Court of Delhi, New Delhi, evidence cannot be recorded. Accordingly, on the joint request of counsels for the accused, case is adjourned for PE on **06.10.2020**.

On the request of Ld. PP for CBI, copy of this order sheet be also provided to him for his office record.

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

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(Anil Kumar Sisodia)
Special Judge (PC Act), (CBI)-07,
Rouse Avenue Courts, New Delhi
18.08.2020.

CBI Vs. Neeraj Khatri & Anr.
CC No. 367/2019

18.08.2020

Present: Sh. A. K. Kushwaha, Ld. PP for CBI.

Sh. Ajit Singh, Ld. counsel for both the accused.

The matter has been taken up through video conferencing using CISCO WEBEX hosted by Sh. Mukesh Kant Sharma, Reader of this Court.

This is a contested matter at the stage of prosecution evidence. In view of the circular No. Power/Gaz/RADC/202/E-7784-7871 dated 30.07.2020 issued by Ld. District & Sessions Judge-cum-Spl. Judge (PC Act) (CBI), RADC, New Delhi, pursuant to Order No. 26/DHC/2020 dated 30.7.2020 of Hon'ble High Court of Delhi, New Delhi, evidence cannot be recorded. Accordingly, case is adjourned for PE on **16.09.2020**.

On the request of Ld. PP for CBI, copy of this order sheet be also provided to him for his office record.

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

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(Anil Kumar Sisodia)
Special Judge (PC Act), (CBI)-07,
Rouse Avenue Courts, New Delhi
18.08.2020.

**CBI Vs. Mahesh Kumar & Ors.
CC No. 281/2019**

18.08.2020

**Present: Sh. A. K. Kushwaha, Ld. PP for CBI.
Sh. H. K. Sharma, Ld. counsels for A-1.**

The matter has been taken through video conferencing, using CISCO WEBEX hosted by Sh. Mukesh Kant Sharma, Reader of this Court.

Vide separate order announced, the application of A-1 seeking permission to travel to New York, USA is allowed for the period from 20.9.2020 to 20.12.2020 subject to compliance of the conditions detailed in the order. **Application stands disposed of accordingly.**

On the request of Ld. PP for CBI, copy of this order sheet be provided to him for his office record. Copy of the order be also provided to Ld. counsel for A-5.

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

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**(Anil Kumar Sisodia)
Special Judge (PC Act), (CBI)-07,
Rouse Avenue Courts, New Delhi
18.08.2020.**

CBI Vs. I. M. Quddusai & ors.

IA No.11/2020 in CC No. 402/2019

18.08.2020

Present: Sh. Harsh Mohan, Ld. Sr. PP for CBI with IO Dinesh Kumar.

A-5 with Sh. Ashul Aggarwal, Ld. Counsel for A-5.

The matter has been taken up through video conferencing, using CISCO WEBEX hosted by Sh. Mukesh Kant Sharma, Reader of this Court.

Vide separate order announced today, application of A-5 seeking permission to travel abroad stands dismissed. The application stands disposed of accordingly.

On the request of Ld. PP for CBI, copy of this order sheet be provided to him for his office record. Copy of the order be also provided to Ld. counsel for A-5.

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

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**(Anil Kumar Sisodia)
Special Judge (PC Act), (CBI)-07,
Rouse Avenue Courts, New Delhi
18.08.2020.**