

CBI vs. SHRI D.K. GOEL & ANR.
RC 15(A)/2010 (CC No.168/19)

16.07.2020

Present: Shri B.K. Singh Id Sr PP for CBI.

Convict No. 1 Sh. D.K Goel and Convict No.2 Smt. Sangeeta Goel in person along with Ld. Counsel Sh. Jaspreet Singh Rai.

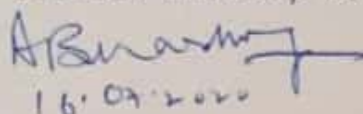
(Through VC using Cisco WebEx app)

Today the case is listed for arguments on sentence.

The learned Senior Public Prosecutor for CBI submitted that the purpose of enactment of Prevention of Corruption Act, 1988 is to achieve purification of public service. He submitted that minimum punishment is prescribed as a deterrent for others also. He submitted that leniency in sentence affects the society. He submitted that corruption is a cancer, as per several rulings of the Hon'ble Supreme Court. He submitted that unless special circumstances are shown, no leniency be shown at the time of sentencing. He submitted that the accused was Group A officer and was a role model for others. He was expected to serve with sincerity and dedication. He referred to Section 16 of the Prevention of Corruption Act, 1988 to submit that while imposing fine, the court shall take into consideration the amount of the value of the property, if any, which the accused person has obtained by committing the offence. The learned counsel submitted that in this case reasonable sentence be passed.

The learned counsel for the convicts submitted that Convict No. 1 is first-time offender. He submitted that the Convict No. 1 is suffering from diabetic and blood pressure for the last 4 years. He submitted that the convict had impeccable service record. He submitted that the convicts always attended the court hearings regularly and punctually and the matter was never adjourned due to absence of the convicts in the court. He submitted that there is no allegation against the convicts that during the trial, they tried to tamper with the evidence or influence the witnesses. It was submitted that Convict No. 1 is IITian from Roorkee and M.Tech from IIT, Delhi. He has Degree of Law from Delhi University and Degree of LLM from ILI. He submitted that Convict No. 1 is working as consultant with Ministry of Skill Development since June 2018.

So far as Convict No. 2 is concerned, it was submitted that she is BSc, MSc and BEd. She is a senior citizen. She always attended the court hearings


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regularly. She is first-time offender. It was submitted that being prosecuted was sufficient blot for the convicts as they faced this prosecution for nearly a decade. It was further submitted that the prosecution against the convicts is also pending against under Prevention of Money Laundering Act and their immovable properties, agricultural lands in the name of M/s KABA have been provisionally attached under the said Act. Therefore, it was submitted that most lenient sentence be awarded against the convicts.

List on **22.07.2020** for orders on sentence.

Let a copy of this order be sent by WhatsApp to accused persons as well as their learned counsel.



Arun Bhardwaj
Special Judge (PC Act) (CBI-5)
Rouse Avenue District Court
New Delhi/16.07. 2020

16.07.2020

CC No. 63/2019

Present: Sh. B.K. Singh Ld. Sr. P.P. for CBI.

Accused No. 1 Sh. D.S Sandhu and Accused No. 5 Smt. Sudershan Kapoor in person along with Ld. Counsels Sh. Y. Kahol and Sh. Deepak Sharma.

Accused No. 12 Sh. Vikas Srivastava in person alongwith Ld. Counsels Sh. I.D. Vaid and Sh. Ashok Angral.

Accused No. 7 Sh. Amit Kapoor along with Ld. Counsel.

Accused No. 8 Sh. Rishiraj Behl in person.

Accused No. 6 Sh. Ashwani Dhingra and Accused No. 8 Sh. Rishiraj Behl in person along with Ld. Counsel Sh. M.K. Verma who represents Accused No.11 Sh. D.B.Singh also.

(Through VC using Cisco Webex App.)

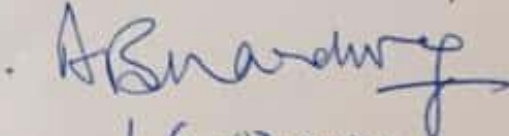
This case, being one of the ten year old cases of this court, is being heard through videoconference on the directions of the Hon'ble Delhi High Court.

Arguments in this case had commenced on 1st June 2020 when the learned Senior PP for CBI had opened arguments of the prosecution and continued his arguments on 2nd June 2020, 4th June 2020, 5th June 2020, 9th June 2020 and 10th June 2020.

Shri Yudhishtar Kahol learned counsel representing accused No. 1 and accused No. 5 addressed this court on 16th June 2020, 17th June 2020, 18th June 2020, 19th June 2020 and 22nd June 2020 with regard to accused No. 1 Shri Dilbhajan Singh Sandhu. The learned counsel addressed arguments at length which have been noted in the order sheets running more than 13-14 pages.

Thereafter, other learned counsels addressed their arguments.

Now, the learned counsel is addressing arguments on behalf of accused No. 5 Smt. Sudershan Kapoor. Since the chargesheet, evidence of prosecution witnesses and documents have been read before this court on several occasions by the learned Senior PP for CBI as well as other learned counsels including the learned counsel for accused No. 5, it was submitted that though there would be some repetition but every endeavour will be made to avoid re-reading of same material.


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Learned counsel read from para-2 of the chargesheet where it is noted that Shri Ashwini Dhingra made arrangements for procuring stolen KVPs through D.B. Singh who procured the same from Mohd. Anwar so that the same can be pledged for obtaining OD limit from Central Bank of India, Patel Nagar Branch, New Delhi.

Learned counsel submitted that some wrong was going on at post office Armapore, Kanpur. Neither any public servant nor any private individual were at fault.

He submitted that Para 3 of the chargesheet mentions that accused No. 5 Smt. Sudarshan Kapoor agreed in principle to sanction the loan. He submitted that she had no power to sanction the loan. The loan had to be sanctioned at the Regional Office by the Regional Manager of the Central Bank of India. It was submitted that she was only officiating as Branch in-charge and was made a scapegoat. Learned counsel submitted that the chargesheet mentions that on her advice accused No. 1, accused No. 2 and accused No. 3 had gone to meet the Regional Manager. On the other hand, the learned counsel submitted, that when accused No. 1, accused No. 2 and accused No. 3 went to meet the Regional Manager, he did not entertain them and told them to give their application to the Branch.

The learned counsel submitted that anything and everything that takes place at branch level is not the responsibility of the manager. He drew attention to the allegation in the chargesheet where it is mentioned that accused No. 5 Smt. Sudarshan Kapoor permitted opening of a joint current-account bearing No. 101703 on 10th March 1998 in Central Bank of India, Patel Nagar, New Delhi. Learned counsel referred to Exhibit PW/2 which is the account opening form and is signed by the 3 account holders and accused No. 4 Shri A.N.Rastogi, Asstt. Manager and there is no mention/signature on the same by accused No. 5 Smt. Sudarshan Kapoor. But it appears before filing the chargesheet, all the documents were not carefully seen by the prosecution. Learned counsel submitted that this shows that accused No. 5 had no role in the opening of account of accused No. 1, accused No. 2 and accused No. 3 as alleged in the chargesheet. Learned counsel submitted that all the 3 accused had given their passports which was the most important document till the introduction of aadhar card as it is issued after police verification and had also enclosed telephone bills and had therefore fulfilled all the formalities required for opening of a bank account and there was no need for seeking any favour from accused No. 5 Smt. Sudarshan Kapoor in this regard. The learned counsel referred to Exhibit PW 7/6 (D-10) where at internal page 3, para 6 it is mentioned that while opening the account, photocopies of the passport of the account holders, their telephone bills and permanent account No., registration letter from ITO in the name of Oriental Automobile's (P) Ltd, Rajender Nagar, New Delhi was obtained by the Branch.

The learned counsel referred to para 4 of the chargesheet where it is mentioned that the proposal was sent to Regional Office of the bank for consideration. The learned counsel submitted that the expression consideration here has to be read as recommendation. The learned counsel submitted that sending the proposal to the Regional Office for consideration is no offence by accused No. 5 Smt. Sudarshan Kapoor. Reliance is placed on Section 79 of Indian Penal Code-Act done by a person justified, or by mistake of fact believing himself justified, by law.

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The learned counsel submitted that it is mentioned in the chargesheet that Regional Manager raised certain queries. He submitted that those queries were not raised to the Branch but within the Regional Office. The learned counsel submitted that the queries with regard to 30% margin money were also within the Regional Office and not raised to the Branch. It was submitted that on the date of loan, the worth of KVPs was around 3 crores. Therefore, there was sufficient margin money as per directions of the Regional Office.

At this stage, the learned Senior PP for CBI submitted that the allegations against this accused are that she did not ensure 30% margin money, she did not ensure genuineness of KVPs, she did not safeguard the loan amount which was to be released only for business purposes, she did not get lien marked on the KVPs and told accused No. 4 to go with the party for verification of KVP's.

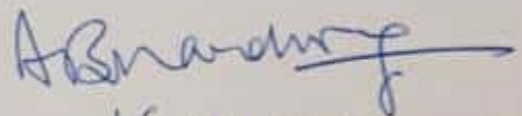
The learned counsel for the accused No. 5 Smt. Sudarshan Kapoor submitted that he will answer to these allegations raised by the learned Senior PP for CBI.

The learned counsel submitted that original KVP's were not to be given at the time of making the request for a loan and would have been given for endorsement for compliance only after 11th March 1998 as the loan was sanctioned on 10th March 1998. He submitted that the lien would have served the purpose of verification of genuineness of the KVPs. He submitted that there is nothing wrong in asking the Bank Official to go with the party for verification of KVPs. The learned counsel submitted that the business of the bank is in good faith otherwise they cannot move a single step. It was further submitted that accused No. 5 was not supposed to go to Kanpur herself. Mischief was going on at post office Armapur, Kanpur for a long time.

The learned counsel asked the question that no bank will pay the expenses for verification of KVP's of the account holder and for marking of lien. The same has to be debited to the account of account holder. He submitted that KVP's are just like cash and no account holder will like to part with the same to the bank official till the time the loan is disbursed.

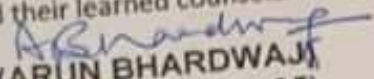
The learned counsel submitted that the KVPs were got verified partly by the bank official deputed for this purpose specifically and partly were got verified by the party himself.

The learned counsel submitted that accused No. 1 Shri Dilbhajan Singh Sandhu may have purchased several tickets from accused No. 7 and the payment given to him could be for those tickets. The learned counsel submitted that as per chargesheet, FIR for stolen KVP's was registered on 30th April 1998 but the witness, PW3, speaks about the circular issued in the month of December, 1996. The learned counsel submitted that there is no evidence that stolen KVP's were given to accused No. 1, accused No. 2 and accused No. 3 by accused No. 13. The learned counsel referred to the evidence of PW3 who deposed that account was not necessary for the OD limit. Therefore, without KVPs, accused No. 5 Smt Sudarshan Kapoor could recommend grant of loan. The learned counsel submitted that CBI had got the statement signed from PW3 to pressurise him. He submitted that PW3 had hurriedly sanctioned the loan on 10th March 1998 without making any verification from the Branch and without verifying whether the KVP's are part of the circular issued in this regard or not.


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At this stage, the case was adjourned for tomorrow i.e. 17th July 2020 at 11 AM as it is time for hearing of another case through VC.

Let a copy of this order be sent by WhatsApp to all the accused persons and their learned counsels.


(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/16.07.2020