

CBI Vs. S.N.S. Sidhu & Ors.

R.C. No. 34(A)/2007

Case No. 30/2020

23.07.2020

Present: **Ms. Bindu**, Ld. Public Prosecutor for CBI.

**Sh. Manjeet Godara**, Advocate, Ld. Counsel for the applicant Smt. Carolina Toppo, w/o. accused Philip Toppo.

**Inspector Harnam Singh**, Holding Investigating Officer of the case.

The matter has been taken up from 10.30 AM to 10.42 AM through video conferencing using CISCO WEBEX hosted by **Sh. Sudhir Kumar**, Reader of this Court, also attended by Sh. Vivek Juyal, PA.

Ld. Public Prosecutor for CBI submits that certain documents have been seized during the investigation of the case, out of which some documents have already been returned to the applicant's husband i.e. Philip Toppo (since deceased) and so far as the documents, mentioned in the application under disposal, the CBI has no objection qua their release to the applicant. However, CBI has strong objection qua the release of cash of Rs.2,50,000/- to the applicant being the bribe money which was recovered from the house of the applicant's husband and the same has been so reflected in the charge sheet and is a case property. Revision is also pending before the Hon'ble High Court of Delhi assailing the order of discharge of accused persons.

Ld. Counsel for the applicant has countered the stand taken by the CBI qua the release of cash of Rs.2,50,000/- in terms of the submissions made by him on the last occasion.

Keeping in view the entire gamut of facts and circumstances and the fact that CBI has no objection qua the release of documents to the applicant except cash of Rs.2,50,000/-, and that revision pends in which, interalia, charge of conspiracy is also under consideration, therefore, in the fitness of

circumstances and constraints of non availability of complete record, it is ordered that except the cash of Rs. 2,50,000/-, the remaining articles/documents/papers etc. as sought in the application be released to the applicant under proper acknowledgment. As regards, cash of Rs.2,50,000/- is concerned, the same being bribe money and being part of the charge sheet and in view of the objection made by the CBI that revision is pending, therefore the same cannot be released to the applicant, at this stage. Needless to say, the applicant has her remedies available, depending upon the fate of the revision or otherwise, including the opportunity to move this court qua the amount of Rs.2,50,000/- in case the circumstances so warrant.

With the above observations and directions, the application is partly allowed and stands disposed off.

A copy of this order be sent to Ld. Public Prosecutor for CBI as well as Ld. Counsel for the applicant.

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



**(Vimal Kumar Yadav)**

**Special Judge (PC Act), CBI-01,**

**Rouse Avenue District Court, New Delhi**

**23.07.2020**