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CC No.184/19
CNR No. DLCT11-000919-2019
CBI v Sh. Anil Kumar Sahani & Ors.

Matter is taken up today for hearing through Video Conferencing in terms of Office Order No.417/RG/DHC dated 27.8.2020 and Circular issued by Ld. District & Sessions Judge-cum-Special Judge (CBI), Rouse Avenue District Court, New Delhi, regarding Duty Roster of the Judicial Officers and Modalities in respect of hearing bearing No.E-10559 10644/Power/Gaz./RADC/2020 dated 28.8.2020 and No.E-10927-11013/Power/Gaz./RADC/2020 dated 30.8.2020 respectively.

14.9.2020 **(Proceeding through VC on CISCO WEBEX)**

Present: Sh. Pankaj Gupta, Ld. Sr. PP for the CBI.
A-1 Anil Kumar Sahani and A-2 N. S. Nair are absent.
A-3 Arvind Tiwari through VC with learned counsel
Sh. Abhay Pandey.

Proposed questions under Section 313 Cr.PC were given to the learned counsel for A-3. Learned counsel for A-3 however submits that he is not keeping well. Therefore, he is unable to assist in recording of the statement of accused.

The other accused have not joined the proceedings through VC. Even earlier on previous date, there was no appearance on their behalf. However, no adverse order is being passed against the absentee accused.

Matter be listed on **09.10.2020**. In case, it happens to be the date of physical hearing for the court then the matter will be taken up in the court otherwise through VC, as the case may be.

The Digitally signed order is being sent to Sh. Brijesh

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Andani, Reader of the Court on E-mail ID of the court i.e. readercbi09radc@gmail.com with the direction to place the order on the record as and when the regular functioning of the Courts is resumed or whenever he visits court as per Duty Roaster and send copy of the order to Computer Branch, RADC for uploading on Official Website.

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**(AJAY KUMAR KUHAR)
Special Judge (PC Act),
CBI-09 (MPs/MLAs Cases),
RADC, New Delhi : 14.9.2020 (SR)**

ECIR. No.03/CDZO/2018/226
Bank of Baroda vs Deputy Director, DoE & Ors.
Misc.Application No. MISC DJ/ASJ/44/2020

Matter is taken up today for hearing through Video Conferencing in terms of Office Order No.417/RG/DHC dated 27.8.2020 and Circular issued by Ld. District & Sessions Judge-cum-Special Judge (CBI), Rouse Avenue District Court, New Delhi, regarding Duty Roster of the Judicial Officers and Modalities in respect of hearing bearing No.E-10559 10644/Power/Gaz./RADC/2020 dated 28.8.2020 and No.E-10927-11013/Power/Gaz./RADC/2020 dated 30.8.2020 respectively.

14.9.2020 **(Proceeding through VC on CISCO WEBEX)**

Present: Sh. J. S. Narula, learned counsel for applicant.

This application under Section 8(8) of PML Act 2002 was assigned to this court by Ld. District and Sessions Judge -cum-Special Judge, CBI (PC Act), RADC, New Delhi and was received online on the official email of the court.

Submissions heard as to the maintainability of the application.

The applicant/Bank of Baroda has filed an application under Section 8 sub-section 8 of the PML Act,2002 for release of the properties provisionally attached by respondent no.1/DoE vide Provisional Attachment order dated 08.01.2020 bearing P.A.O. No.01 of 2020, passed in **ECIR/03/CDZO/2018/226**.

The applicant has filed this application for release of properties which were provisionally attached by the DoE during investigation, exercising the power under Section 5 (1) of PML Act on the grounds, inter alia, that applicant Bank is a secured creditor and bonafide

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claimant as these properties were submitted as Equitable Mortgage followed by deposit of Title Deeds to secured loans and credit facilities extended to Respondent No. 2 M/S SRS Finance Limited. The Ld.Counsel for the applicant has informed that DoE has already filed a complaint under section 5(5) of PML Act before the Adjudicating Authority which has yet to 'confirm' the attachment of property made under section 5(1) of the Act, under Section 8 (3) of PML Act. It is also stated that applicant has also filed a reply before the Adjudicating Authority.

Section 8 (8) of PML Act 2002 provides that where a property stands confiscated to the Central Government under Sub-section 5 of Section 8 of PML Act, then the Special Court may direct the Central Government to restore such confiscated property or part thereof to a claimant with a legitimate interest in the property, who may have suffered a quantifiable loss as a result of the offence of money- laundering.

Sub-section 5 of Section 8 of PML Act 2002 provides that where on the conclusion of the trial of an offence under this Act, the Special Court finds that the offence of money laundering has been committed, it shall order that such property involved in money-laundering or which has been used for commission of the offence of money – laundering shall stand confiscated to the Central Government. Therefore, in my view the application under Section 8 (8) of PML Act would lie only after the confiscation order has been passed by the Special Court after the conclusion of trial.

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Learned counsel for the applicant has submitted that in view of the relevant provisions of the PML Act, he may be permitted to withdraw the present application with liberty to approach the Adjudicating Authority for release of the properties provisionally attached by the respondent

no.1/DoE under section 5(1) of the Act. He has sent his statement in the form of email in this regard on the official email ID of the court. (Let the print out of the email be made part of the record)

In view of the said email and the submissions of the learned counsel for the applicant, the present application under section 8(8) of the PML Act, 2002 is dismissed as withdrawn with liberty to the applicant to seek remedy before appropriate forum as per law.

File be consigned to record room as per rules.

The Digitally signed order is being sent to Sh. Brijesh Andani, Reader of the Court on E-mail ID of the court i.e. readercbi09radc@gmail.com with the direction to place the order on the record as and when the regular functioning of the Courts is resumed or whenever he visits court as per Duty Roaster and send copy of the order to Computer Branch, RADC for uploading on Official Website.

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**Additional Sessions Judge/
Special Judge (PC Act),
CBI-09 (MPs/MLAs Cases),
RADC, New Delhi: 14.9.2020 (SR)**