

05.09.2020

Present:

Sh. B. K. Singh, Ld. Sr. PP for CBI.

All accused in person except A-2 Sh. Sandeep Rathi.

Sh. Vijay Aggarwal, Ld. Counsel with Sh. Hardik Sharma and Ms. Barkha Rastogi, Ld. Counsels for A-2, A-3 and A-4.

Sh. Shashi Bhushan Nagar, Ld. Counsel for A-5.

Sh. Prakash Kashyap, Ld. Counsel for A-6.

Sh. Manish Kumar Singh, Ld. Counsel for A-8.

Sh. Sidharth Satija, Ld. Counsel for A-11.

Sh. Anil Kumar, Ld. Counsel for A-7, A-12 and A-19.

**(Through VC using Cisco WebEx app.)**

Reader of the Court had yesterday received an application under Section 207 Cr.P.C from A-2 Sh. Sandeep Rathi, A-3 Sh. Deepak Gupta and A-4 Pankaj Chaudhary in the office e-mail ID.

Reader of the Court had also yesterday received an application under Section 207 Cr.P.C from A-6 Sh. Ram Kumar Singh in the office e-mail ID.

Reader had also received an application under Section 207 Cr.P.C as well as an application stating certain facts of the case from A-11 Sh. B. P. Singh in the office e-mail ID. Today, A-11 Sh. B. P. Singh has also sent certain case laws in the office e-mail ID of the Reader.

CC No. 17/20

CNO Vs D.G. Footwear & Ors.

*A. B. Singh*  
05.09.2020

Page 1 of 2

Copy of the aforesaid applications filed by the accused persons have been supplied to Ld. Sr.PP for CBI. Ld. Sr.PP for CBI requests for some time to go through the application and file reply. Heard. Request allowed. However, Ld. Sr.PP for CBI is directed to supply copy of the reply two days in advance to the next date of hearing to the accused/Ld. counsels for the accused.

IO had sent Whatsapp message to the Reader of Court yesterday stating that A-7 Sh.Rakesh Mangla, A-11 Sh.Birender Pratap Singh and A-12 Sh. Rupesh Gupta had deposited their passports with him.

Remaining accused persons are also directed to submit their passports with the IO of the case due to present Covide-19 pandemic situation.

Application filed by A-4 Sh.Pankaj Chaudhary u/S 207 Cr.P.C states that CBI has not provided legible copies of the documents to him alongwith the chargesheet.

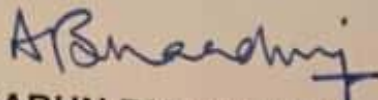
Ld.Sr.PP for CBI is directed to supply legible copies of the documents to A-4 Sh.Pankaj Chaudhary by next date of hearing.

List on **05.10.2020** for reply and arguments on the applications filed by the accused.

Let a copy of this order be sent by WhatsApp to Ld. Sr.PP for CBI, all the accused and Ld. Counsels for the accused.

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BHARDWAJ

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(ARUN BHARDWAJ)  
Special Judge, CBI-05 (PC Act),  
RADC, New Delhi/ 05.09.2020

CC No.17/20

CNO Vs D.G.Footwear & Ors.

C.Case No. 38/2020

CBI Vs M/s Aditya Network Pvt. Ltd.

05.09.2020

**Present None.**

The chargesheet has been marked to this Court vide orders of Ld. District & Sessions Judge-cum-Special Judge CBI (PC Act), RADC, Delhi. It be registered.

The chargesheet has been received in the office e-mail ID of the Reader of the Court on 02.09.2020.

Perusal of the chargesheet reveals that IO has not sent the complete documents.

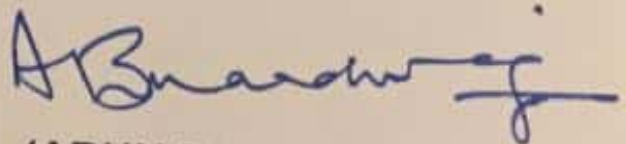
IO is directed to supply the complete chargesheet as well as documents of the case in a CD to the Court on the next date of hearing.

List on 21.09.2020.

Let a copy of this order be sent by WhatsApp to Ld. Sr.PP for CBI.

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(ARUN BHARDWAJ)  
Special Judge, CBI-05 (PC Act),  
RADC, New Delhi/ 05.09.2020

C.Case No. 192/2019

CBI Vs Ashutosh Verma & ors.

05.09.2020

Present: None.

(Today the case was to be listed at 02:15 PM for orders on application of Shri Suresh Nanda seeking permission to travel abroad. However, as the order was not ready by then, the learned Senior PP for CBI and learned counsels for the accused were informed telephonically through the reader of the court that the order shall be passed during the course of the day and copy shall be supplied to them through WhatsApp.)

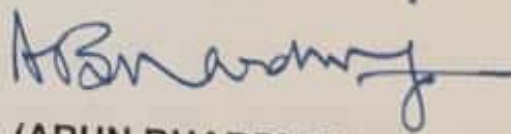
Vide separate detailed order of even date, the application filed by A-2 Sh.Suresh Nanda seeking permission to travel abroad is allowed as per the terms and conditions mentioned in the order.

List on **date already fixed i.e. 09.09.2020** for further final arguments of Accused No. 1. .

Let a copy of this order be sent by WhatsApp to Ld. Sr.PP for CBI, the accused and Ld. Counsel for the accused.

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Date: 2020.09.05  
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(ARUN BHARDWAJ)  
Special Judge, CBI-05 (PC Act),  
RADC, New Delhi/ 05.09.2020

IN THE COURT OF SH.ARUN BHARDWAJ: SPECIAL JUDGE CBI-05  
(PC ACT): ROUSE AVENUE DISTRICT COURT COMPLEX: DELHI

C.Case No. 192/2019

CBI Vs Ashutosh Verma & ors.

ORDER

05.09.2020

1. Vide this order, the application filed online by Accused No.2 Sh.Suresh Nanda on 01.09.2020, seeking permission to travel to Dubai for his business purposes from 05.09.2020 to 20.10.2020 or till such time his counsel starts addressing final arguments on his behalf, whichever is earlier, shall be decided.
2. It is submitted by Ld. Counsel for the applicant/accused no.2 Sh.Suresh Nanda that an application dated 03.06.2020 seeking permission of the Court to travel abroad for a period of three months starting from 06.06.2020 is pending and the present application is in continuation of the previous application. Ld. Counsel submitted that due to present pandemic conditions, as clear guidelines regarding international travel by the Government of India were not available at that time, so he had requested for keeping the application pending till such guidelines are issued by the Government.
3. Ld. Counsel for the applicant/accused no.2 Sh.Suresh Nanda further submitted that on 20.08.2020, the Government of India has eased the restrictions of International travel to and from India. He has relied on Saturday newspaper reports in this regard.

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05.09.2020

4. The reason for seeking permission to travel abroad is mentioned in detail in para 5 of the application. The application mentions that the accused along with Sheikh Juma Al Maktoum has incorporated a company M/s. Downtown Hotel Management LLC, Dubai which works as a consultant and manages hotels in Dubai. The accused has received a letter dated 31<sup>st</sup> August 2020 from the Senior Vice President of the said company informing that they have received a letter dated 30<sup>th</sup> August 2020, from the ICICI Bank, Dubai Branch on behalf of the syndicate lenders, which include 4 banks, with regard to the loan facility and the deferment availed by the company from the said group. In the letter dated 31<sup>st</sup> August 2020, it has been informed that owing to the Covid 19 situation, the hotel has also been impacted significantly, because of which they were not in a position to service the debt repayment for the last two quarters and the banks have agreed to deferment. However, the outstanding dues of the said two quarters have been added to the payment of the upcoming quarter that false due in November 2020 making it a total of approximately ADE 38 millions. It is further mention in the application that it was further stated in the said letter that as it is a substantial amount, the lenders have called for an urgent in-person meeting with the applicant to assess the capacity of the hotel. Further, personal presence of the applicant is required during the said meeting as the applicant has given a written undertaking to the banks that he shall pay back the entire outstanding loan of the bank within this calendar year. It has been further stated in the said letter that the said in-person meeting should happen before the 10<sup>th</sup> of September 2020, as the documentations have to be approved. Accordingly, through the said letter the senior vice president of the company has called upon the applicant to visit Dubai a few days before the said meeting to avoid any potential danger of banks

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05.09.2020

invoking the personal guarantee given by the applicant and attaching his personal assets.

5. It is further mention in para 6 of the application that the applicant has also personally received an email from the Head-Corporate and Banking, ICICI Bank, DIFC Branch, raising the same concern and requesting the applicant to meet them in Dubai by the 10<sup>th</sup> of September 2020 as they want to understand from him total performance and plans as to how he is going to make the said payments.
6. The accused has mentioned in this application that for these reasons he is required to visit Dubai from 5<sup>th</sup> of September 2020 till 20<sup>th</sup> October 2020 in order to enable him to fulfil his work related commitments. The applicant has mentioned that to prove his bona fides he has already booked his return tickets for 20<sup>th</sup> October 2020.
7. The accused has mentioned that the present matter is at the stage of final arguments and presently the arguments on behalf of of co-accused are being addressed. He has mentioned that he has appeared before this court through VC and shall keep doing so during his travel. He has also undertaken that as soon as the counsels of the applicant start addressing the final arguments on his behalf, he shall come back to India.
8. CBI has filed reply opposing the application stating therein that the case is at the stage of final arguments and final arguments are being heard by the Court through video conferencing. The presence of accused is required at the time of pronouncement of judgment. It is also stated that the accused may misuse the liberty, in order to save himself from facing the trial of the case. It is also stated that due to Covid-19, there are restrictions on travel and in case there is lockdown

*A. R. M. S. S.*  
05.09.2020

in the country where the accused wishes to travel, then he will not be able to return back resulting in delay of trial.

9. This court has carefully considered the application, reply filed by CBI, arguments addressed and the records.

10. The records show that while granting bail to this accused, the Hon'ble Delhi High Court vide orders dated 29<sup>th</sup> April 2008 had imposed a condition that he would seek permission from the trial court whenever he desires to travel abroad.

11. It is noted in the order of this court dated 28<sup>th</sup> February 2020 granting permission to the accused to travel abroad that the accused was given permission on 36 occasions to visit abroad and the 1<sup>st</sup> permission was given on 21<sup>st</sup> September 2011 by the Hon'ble Delhi High Court with a condition that he shall submit a security in the form of documents of a self owned the property worth Rs. 50 crores.

12. It is also noted in that order that in the previous order dated 11<sup>th</sup> March 2013 it was noted that the title deeds of this accused worth Rs. 193.50 crores are already in possession of CBI. This fact was confirmed by learned Senior PP for CBI from the HIO of the case at that time.

13. In the opinion of this court, the urgency shown by the accused to visit Dubai seems bona fide and genuine.

14. The accused has sought permission to visit Dubai from 5<sup>th</sup> of September 2020 till 20<sup>th</sup> October 2020 or any time his counsel starts addressing final arguments on his behalf, whichever is earlier. Presently, the case is at the stage of final arguments and learned counsel for accused No. 1 is addressing final arguments. The arguments on behalf of accused No. 1 may be concluded in a period of 2 weeks to 3 weeks as the arguments are being addressed post lunch

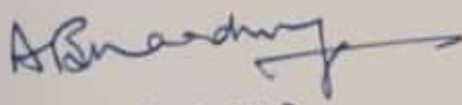
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twice every week. The learned Senior Advocate Shri Ramesh Gupta representing this accused of Shri Suresh Nanda has also assured that the accused shall return back to India to appear before this court after the end of permission given to him to visit Dubai and in case it is so required, he shall return back in a chartered plane.

15. Considering the totality of facts and circumstances noted above, the applicant/accused no.2 Suresh Nanda is permitted to travel to Dubai from 08.09.2020 to 08.10.2020 subject to the following terms and conditions:

- (a) The accused shall join hearing of this case through videoconferencing from Dubai so long as he is there.
- (b) Accused shall file complete travel itinerary in the Court.
- (c) Accused shall furnish additional security of Rs.10 Lakhs in the form of FDR.
- (d) Accused shall inform about his arrival in India within 48 hours and surrender his passport in the court (His passport continues to be with him, at present, due to lockdown).
- (e) In any eventuality, accused will not request for extension for staying abroad.
- (f) Accused will not misuse the permission granted to him contrary to the rules.
- (g) Accused will submit the addresses of his stay in Dubai alongwith telephone/contact numbers with an undertaking that he will return to India and will appear before the Court in case any such instruction is conveyed to him telephonically or otherwise.

  
05.09.2020

- (h) Accused will file an undertaking before leaving the country that he will strictly comply with the terms and conditions of the order.
- (i) The surety of the accused shall also furnish an undertaking that he/she will not withdraw his/her surety bond during the period of travel of accused.

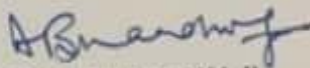
It is also made clear that permission shall be subject to other applicable rules and regulations and will not be deemed as direction to any authority except the permission to travel abroad from the side of the Court.

Application is disposed of accordingly.

ANNOUNCED IN THE OPEN COURT  
ON 5<sup>TH</sup> DAY OF SEPTEMBER, 2020

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(ARUN BHARDWAJ)  
Special Judge, CBI-05 (PC Act),  
RADC, New Delhi/ 05.09.2020

C.Case No. 59/2019

CBI Vs Sunil Chand Tyagi

05.09.2020

**Present:** Sh.B.K.Singh, Ld.Sr.PP for CBI.  
Ld. Counsel Sh.Avinash Mishra for the accused.

**(Through VC using Cisco WebEx app.)**

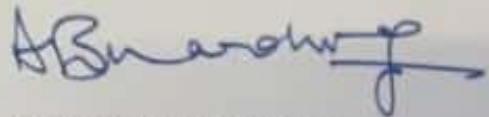
The case is at the stage of Prosecution Evidence and cannot be taken up through video conferencing.

List on **28.10.2020** awaiting resumption of physical hearings permitting recording PE.

Let a copy of this order be sent by WhatsApp to Ld. Sr.PP for CBI, the accused and Ld. Counsel for the accused.

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**(ARUN BHARDWAJ)**  
Special Judge, CBI-05 (PC Act),  
RADC, New Delhi/ 05.09.2020