

S.Case No. 21/2019

CBI Vs Anil Kumar Garg & ors.

04.09.2020

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

A-1 to A-4 in person with Ld. Counsels Sh. Mudit Jain and Sh.Yugant Sharma.

Sh. Deepak Talwar, Ld. Counsel for applicants Sh. Subhash Chand Ahuja, Sh. Vinod Kumar Verma and Sh.Ajay Kumar Sharma.

(Through VC using Cisco WebEx app.)

Ld. Counsel for A-1 to A-4 made submissions on the point of jurisdiction. He further submitted that he will file list of citations in support of his submissions addressed today during the course of the day.

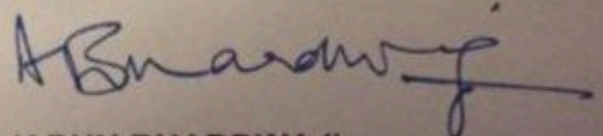
Submissions were also made by Ld. Sr.PP for CBI on the point of jurisdiction. Ld Sr PP for CBI shall also file a list of judgments referred by him during course of the day.

List on 16.09.2020 at 11.00 A.M.

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

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(ARUN BHARDWAJ)
Special Judge, CBI-05 (PC Act),
RADC, New Delhi/ 04.09.2020

CC No. 164/2019

CBI Vs Aarti Kalra & ors

04.09.2020

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

A-2 to A-8 in person with their respective Ld. Counsels.

(Through VC using Cisco WebEx app.)

Vide separate detailed order of even date, the bail applications filed by A-2 to A-8 are allowed on the terms and conditions as mentioned in the detailed order.

The application filed by accused No. 7 for change of FDR is also allowed.

List on **01.10.2020 at 11.00 A.M.** for arguments on charge.

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

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(ARUN BHARDWAJ)
Special Judge, CBI-05 (PC Act)

RADC, New Delhi/ 04.09.2020

ORDER ON APPLICATIONS FOR BAIL FILED BY ACCUSED NO.2 TO 8.

1. This order shall decide applications for bail filed on behalf Accused No. 2 to 8.
2. **Accused No. 2 Shri Shailinder Kumar Upadhyay** has mentioned in the application filed by his learned counsel Shri Vikas Arora that the accused is an innocent person and has been falsely implicated in the present case. The accused was not arrested during investigation and joined investigation on several occasions when summoned by CBI. He has stated that he has roots in society and the case is based upon documentary evidence which is already in the custody of investigating agency and there is no likelihood of the accused tampering with evidence in any manner whatsoever. He has also mentioned that after his retirement as a banker with Punjab National Bank, he has been implicated in several cases pertaining to extending loan facility to various borrowers but he's on bail in all those cases and is regularly appearing in courts and abiding by the directions of the courts. Praying for bail, the accused has mentioned that no purpose shall be served by sending him to custody especially when his presence can be secured otherwise.
3. In the **reply** filed by CBI, it is mentioned that this accused was the sanctioning officer and ignored all guidelines of the bank which were required to be adhered during pre-and post sanctioning of CC limit account and even did not obtain the application form as per the bank norms. During the investigation, it was found that he did not verify the antecedents of Ms Aarti Kalra and M/s. Tirupati Trading Company before appraisal or sanctioning of CC limited to her. He ignored the irregularities reflected in the CIBIL report extracted on Aarti Kalra/Kumar. Neither the details of the accounts were obtained from the borrower nor was the conduct of loan accounts obtained from the



04.09.2020

- concerned banks. Further no comments in the proposal were given and this amount was not reflected in the liabilities side in CR of the subject
4. **Accused No. 3 Shri Harbans Lal Mann** has mentioned in the application filed by his learned counsel Shri I.D. Vaid that he was the Senior Manager of PNB at Najafgarh Branch and had recommended the loan within the fold of rules which was sanctioned by Accused No. 2 after examining the relevant documents. He has mentioned that he cooperated during investigation and appeared before investigating agency as and when required. He has mentioned that now investigation is complete and chargesheet has been filed. Reliance is placed on **Lt Gen Tejinder Singh Vs CBI and Court on Its Own Motion versus CBI (109) 2003 DLT 494** for seeking bail.
 5. In the **reply** filed by CBI, it is mentioned that this accused was the recommending officer and ignored all guidelines of the bank which were required to be adhered during pre-and post sanctioning of the CC limit account and even did not obtain the application form as per the bank norms. He did not verify the antecedents of the borrower before appraisal or sanctioning of CC limit to her.
 6. **Accused No. 4 Shri Ravinder Nath** has mentioned in the application filed by his learned counsel Shri Ravinder Kumar Gupta that he has retired as Deputy Manager from Punjab National Bank on superannuation on 31st July 2018. He has relied on the fact that the sanctioning authority had refused to grant sanction for his prosecution as the lapses committed by this accused were procedural in nature and do not involve any malafide or criminal misconduct on his part. It is further mentioned that this accused is suffering from diabetic, hypertension and blood pressure etc. He has also relied on the fact that Section 13 (1) (d) of the PC Act, 2018 stands repealed and as such the case has no force in law. The accused as taken several other grounds for seeking bail such as the trial will take time and Bail is rule and jail is exception, he had cooperated during investigation, protection of the witnesses is the duty of the state and in case the state is not able to protect the witnesses, the accused cannot be made to suffer etc.
 7. In the **reply** filed by CBI, it is mentioned that the crime was committed from 2012 to 2014, therefore, the amendment in the PC Act in 2018 will



04.09.2020

not exempt the accused from the offence committed under Section 13 (2) read with 13 (1) (d) of PC Act, 1988 (As Amended in 2018). It is further mentioned that due to non-performing of the duty of the accused, he allowed DP in the system for more than a year without any physical verification of the stock. He entered the unverified or false data in the system, and allowed DP frequently; therefore, the accused firm was able to operate the account for almost two years without any business or genuine transactions.

8. **Accused No. 5 Shri Nakul Gheek** has mentioned in the application filed by his learned counsel Ch Ram Kishan that he was employed as Manager (Credit) on probation in Punjab National Bank, Najafgarh, New Delhi during the period the offence was allegedly committed. He has mentioned that he joined investigation many times before the investigating officer and has cooperated during investigation of the present case. Chargesheet has been filed without arresting the accused as custodial interrogation was not required by the investigating officer and that trial would take sufficient time and no purpose will be achieved by sending the accused to jail.
9. In reply, CBI has stated that this accused was the maker of the account on 18th June 2013 and entered the stock value in the system as Rs. 351.85 lakhs and was the checker on various dates lastly up to 6th January 2014. It is further mentioned that due to non-performing of the duty by this accused, he allowed DP to the accused in the system for more than a year without any physical verification of the stock. He entered the unverified or false data in the system and allowed DP frequently and the firm was able to operate the account for almost two years without any business or general transactions. Due to this reason, the account was operative for almost two years without the creation of mortgage and documents of collateral.
10. **Accused No.6 Shri Harmeet Singh** has mentioned in the application filed by his learned counsel Sh P.K. Bhardwaj that this accused was the concurrent auditor only for six months and was under obligation to report to the bank month by month by pointing out the irregularities and infirmities in the account of the firm and the reports were submitted online. It is submitted that in the reports irregularities and

infirmities in the account were mentioned and it was for the bank officials to do the ratifications for the objections raised/observations made by the concurrent auditor.

11. In the **reply** filed by CBI to the application for bail by the accused Sh Harmeet Singh it is mentioned that this accused was the concurrent Auditor in PNB, Najafgarh, New Delhi and it was his duty to monitor the CC account on a day-to-day basis. However he did not highlight the pre sanction and post sanction major lapses in the account. The account was not collaterally secured for almost two years, still, did not mark of this major irregularity for reporting to the senior authorities of the bank.
12. **Accused No.7** Shri Radhey Shyam Goel has mentioned in the application filed by his learned counsel Sh Arshdeep Singh that the accused was not arrested throughout the investigation and the chargesheet was filed in this case without arrest of the accused. The accused had duly cooperated during investigation and there is nothing to be ascertained from his custodial interrogation. Reliance is placed on the celebrated judgement of **Court on Its Own Motion versus State** where the Hon'ble Division Bench of Delhi High Court has approved the observations of **Court on its Own Motion Versus CBI** that the court shall on appearance of an accused in non bailable offence who has neither been arrested by the police/investigating agency during investigation nor produced in custody as envisaged in section 170, CrPC call upon the accused to move a bail application if the accused does not move it on his own and release him on bail as the circumstance of his having not been arrested during investigation or not being produced in custody is itself sufficient to entitle him to be released on bail. It is further mentioned in the application that the accused satisfies the triple test for the purposes of grant of bail i.e. (i) flight risk; (ii) tampering with evidence; and (iii) influencing witnesses. The accused has further mentioned in the application that investigation is concluded and chargesheet is filed with all the documents and statements and accused is not required for investigation as no recovery is to be made from him. It is further mentioned in the application that present proceedings are likely to spend over a lengthy period of time and there is no justification whatsoever that the accused should languish in jail during such period.



04.09.2020

13. In the reply filed by CBI to the application for bail by the accused Shri Radhey Shyam Goyal, it is mentioned that this accused was the concurrent auditor of the branch from 1st January 2013 to 2 May 2014 but did not point out the major irregularities in his report and did not inform senior officers of the bank.
14. **Accused No. 8 Shri Prashant Kumar @ Bobby** has mentioned in the application filed by his learned counsel Shri Ankur Jain that the allegation against him is that he had opened bank accounts in the name of Rahul Trading Company and M/s. Satyam Enterprises in ICICI Bank by impersonating himself as Rahul Grover and a sum of Rs. 1.5 Crore approximately was transferred in these accounts without any genuine business transactions. He has mentioned that he has been falsely implicated in connivance with his employer Shri Rahul Grover. He has stated that he had joined the investigation as and when so directed by the investigating officer. He has prayed for bail especially keeping in mind the pandemic prevailing all over the world.
15. In the reply filed by CBI to the application for bail by the accused it is mentioned that account No. 031605500189 in the name of M/s. Rahul Trading Company maintained in ICICI Bank was opened on 13th June 2012 in the name of Rahul Grover. It was found that the photograph, phone No., PAN, rent agreement and other papers enclosed contain the signatures of accused who impersonated himself as Rahul Grover. Further, during the investigation, account opening form of account No. 0313101028336 along with its enclosures maintained in Canara Bank was collected. It was found that account was opened on 9th December 2011 in the name of Rahul Grover but photograph, phone No., DEN, rent agreement and other enclosed papers contain the signatures of accused and related to him. This accused impersonated himself as Rahul Grover and made forged signatures of him since 2011. He conspired with accused Smt. Aarti Kalra and others and therefore she and accused bank employees were able to run the account for 1 ½ years.
16. This court has considered the allegations against the accused persons in the chargesheet, their applications for bail and the replies filed on behalf of CBI. This court has also considered the arguments addressed by



04.09.2020

- learned Senior P.P. for CBI and the learned counsels for the accused No. 2 to 8.
17. The submissions of accused for seeking bail and the allegations against them in the chargesheet have been noted in this order to appreciate the gravity of offence and seriousness of the roles played by the accused persons in committing the offence.
18. The objections on behalf of prosecution opposing the bail shall be relevant at the time of deciding the order on charge. At the stage of bail it is sufficient to note that the Hon'ble Delhi High Court way back in the year 2003 had given instructions to the criminal courts that if a person has been at large and free for several years and has not been even arrested during investigation; to send him to jail by refusing bail suddenly, merely because chargesheet has been filed is against the basic principles governing grant or refusal of bail. The Hon'ble High Court went on to further direct that if the accused does not move bail application on his own, the court shall call upon him to move a bail application whenever the accused appears before the court in non-bailable offence who has neither been arrested by the police/investigating agency during investigation nor produced in custody as envisaged in section 170 CrPC and release him on bail as the circumstance of his having not been arrested during investigation or not being produced in custody is itself sufficient to entitle him to be released on bail.
19. These directions of the Hon'ble Single Judge were revisited by the Hon'ble Division Bench of the Hon'ble Delhi High Court and were approved in the case of **Court on Its Own Motion versus the State**, (2017) 243 DLT 373 (DB), a judgement which has been relied upon by each learned counsel representing the accused in the present case. This court is duty bound to follow the dicta of the Hon'ble High Court.
20. The other considerations before this court at this stage are whether there is flight risk, fear of tampering with evidence and influencing the witnesses? So far as flight risk is concerned, the same can be taken care by directing all the accused to surrender their passports with the investigating officer of the case and not to leave the country without permission of this court. Further, the evidence in this case is mostly




04.09.2020

documentary in nature which has been collected and filed before the court in the form of chargesheet. On this account, the bail cannot be denied as it cannot be suspected that the accused shall temper with the evidence if enlarged on bail. Last is the question of influencing the witnesses. In this regard, the prosecution is always at liberty to take steps as provided for under law for the protection of witnesses and even for seeking cancellation of bail in the event of any accused abusing the discretion of bail granted to him.

21. Resultantly, the applications for bail moved on behalf of Accused No. 2 to 8 are allowed subject to their furnishing personal bond in the sum of Rs. 1 lakh and surety of the like amount. The accused shall surrender their passports with the investigating officer of this case and shall not leave the country without permission of the court. The accused shall not tamper with the evidence or try to influence the witnesses.
22. Let a copy of this order be sent by WhatsApp to the learned Senior PP for CBI, all the accused persons and their learned counsels.

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(ARUN BHARDWAJ)
Special Judge, CBI-05 (PC Act),
RADC, New Delhi/ 04.09.2020

CBI vs. Sh. Ashutosh Verma & Ors.
CC No. 192/19

04.09.2020

Present:- Sh. Brijesh Kumar Singh, Ld. Senior P.P for CBI.

Accused No. 1 Sh. Ashutosh Verma in person with Ld. Counsels Sh. P.K. Dubey, Ms. Smriti Sinha, Mr. Shri Singh, Mr. Gautam Khazanchi, Mr. Shiv Chopra, Mr. Anurag Andley, Mr. Gaganjyot Singh, Ms. Smriti Ramchandran, Sh. Prince Kumar and Ms. Pinky Dubey.

Accused No. 2 Sh. Suresh Nanda in person with Ld. Sr. Advocate Sh. Ramesh Gupta along with Sh. Sandeep Kapoor and Alok Sharma, Advocates.

Accused No. 3 Sh. Bipin Shah in person with Ld. Counsels Sh. Anindya Malhotra and Sh. Shaurya Lamba.

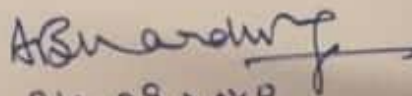
(Through VC using Cisco Webex App.)

The Ld. Counsel Sh. P.K. Dubey representing Accused No. 1 Sh. Ashutosh Verma resumed further final arguments dealing with meeting of the accused persons at JW Marriot Hotel at Mumbai on 08.03.2008.

Ld. Counsel pointed out that PW-41 Sh. Surender Malik and PW-27 Sh. V.M. Mittal both were from ACU, Delhi and there is no detail of so-called secret work which had taken them to Mumbai on date of arrest of the accused persons from the hotel room. The witness in his examination-in-chief deposed that meeting was regarding reduction of tax liability of Sh. Suresh Nanda and his Group of Companies.

The Ld. Counsel submitted that Accused No. 1 Sh. Ashutosh Verma had already submitted the Appraisal Report on 22.02.2008 and could not have reduced tax liability as on 08.03.2008. The witness also deposed that he was directed to contact the DIG of ACB, Mumbai. However, Ld. Counsel submitted

CBI vs. Sh. Ashutosh Verma & Ors.
CC No. 192/19


04.09.2020

Page 1 of 8

there is no material/document on record in this regard. The witness deposed that before leaving the CBI office, the entire team had been briefed about the purpose of their visit to JW Marriot Hotel.

The Ld. Counsel submitted that he would refer to the evidence of PW-31 Sh. S.I. Phape, which will show that no such briefing was given to the independent witnesses. The witness deposed that at around 7 PM, he received information from SP, CBI, ACU-1 that all the accused persons have assembled at Room No. 161. Ld. Counsel submitted that in cross-examination, this witness has stated that he had seen Sh. Suresh Nanda and Sh. Sanjeev Nanda entering the hotel. So, therefore, there was no need for the SP from Delhi to inform this witness that the accused has assembled in the room. The witness deposed that the presence of the accused in the room was video-graphed but no such CD is on record and no such CD was given to the accused.

Ld. Counsel submitted that the case of Accused No. 2 Sh. Suresh Nanda, as would be argued by his Ld. Sr. Counsel at his turn, is that the investigating agency could not arrest the accused Sh. Suresh Nanda in Barak Missile Case and he was arrested in this case for the purposes of Barak Missile Case only for conducting investigation pertaining to the said case and the said case ultimately had resulted in closure report.

The witness deposed that he does not know whether raid of Income Tax Department on Sh. Suresh Nanda was also with relation to Barak Missile Case. Ld. Counsel submitted that this witness was the Investigating Officer of the Barak Missile Case and still denied the question put to him for reasons best known to him.

The witness deposed that on 08.03.2008, he was not having search warrant or arrest warrant for searching Room No. 161 of JW Marriot Hotel, the three cars or arresting the accused.

Ld. Counsel submitted that in this case, there is clear-cut violation of Section 165 as well as Section 166 of Cr.P.C. He submitted that there is no recording of grounds of arrest and moreover the search and arrest should have been by DIG, Mumbai under whose jurisdiction, the hotel was situated and in the absence of complying with provisions of Section 165 and 166 of Cr.P.C., the arrest of the accused was illegal arrest.

Further, the witness deposed from the personal search of the accused, car observations and search of the room wherein they were found, no incriminating material was recovered. Ld. Counsel submitted that in view of this statement of the witness, where is the commission of offence? The witness deposed that he was directed by S.P. Ramnish to arrest the accused persons as he had some material which warranted their arrest.

Ld. Counsel submitted that the Investigating Officer and other prosecution witnesses of CBI have been doing this from the very beginning that whenever they were cornered during cross-examination, they would take the cover of S.P. Ramnish but the said S.P. Ramnish was not made a prosecution witness depriving the accused, opportunity to cross-examine him.

The witness deposed that from the time the accused were arrested till they were handed over to the IO, he had interrogated them. Ld. Counsel submitted that Chapter 14 of the CBI Manual requires that the defence of the accused should be noted, but the same was never given to the accused.

At this stage, there were arguments and counter arguments between Ld. Sr. PP for CBI and Ld. Counsel for the accused referring to the celebrated judgment of **Tehsildar, 1959, Supreme Court** whether the statements of the accused are required to be given to the accused or not? Ld. Counsel submitted that this witness was not knowing the ground of arrest as according to him all the investigation was supervised by S.P. Ramnish, who had told them to arrest the accused as according to him they had some more material which warranted their

arrest. Ld. Counsel submitted that when the witness himself was not knowing the grounds of arrest, the question does not arise for him to inform the grounds of arrest to the accused and therefore there is violation of Section 50 of Cr.P.C. and directions of Hon'ble Supreme Court in the celebrated case of D.K. Basu.

The witness also deposed that none of the accused destroyed any document in physical form or electronic form in his presence. He deposed that his statement was not recorded by IO of the case and the Ld. Counsel submitted that as this witness was the Arresting Officer, his statement should have been recorded under Section 161 Cr.P.C.

The witness deposed that when he handed over the custody of the accused and documents, he had briefed the IO of the case. But, Ld. Counsel submitted such briefing is not in writing and therefore, neither given to accused nor shared with the Court.

The witness deposed that he had given copy of documents stating the grounds of their arrest which were with the accused when their custody was handed over to the IO of the case. However, the witness could not remember whether on receiving the custody of the accused from him, the IO had conducted personal search of the accused or not.

Ld. Counsel submitted that in case grounds of arrest were given to the accused, the IO would have found them during personal search of the accused.

In cross-examination, the witness deposed that while he was waiting, he had seen Sh. Suresh Nanda and Sh. Sanjeev Nanda entering the Hotel. Ld. Counsel submitted that this would show there was no need for S.P. Ramnish to call from Delhi to inform this witness about gathering of all the accused in the room of the Hotel. In his cross-examination, the witness deposed that he had recorded departure entry reflecting the purpose of departure, time of

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04.09.2019

Page 4 of 5

departure and the names of members of team. Ld. Counsel submitted that everything was being conducted by this witness orally.

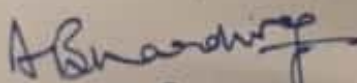
The witness deposed that the CD of photography of the arrest of the accused was seized but could not remember who had been handed over the seal. He deposed that when he gave the CD to the IO, no handing over, taking over memo was prepared.

Ld. Counsel pointed out to the cross-examination of the witness where he deposed that case diary was prepared on plain paper. Ld. Counsel referred to the statement recorded under Section 161 Cr.P.C. of PW-1 Sh. Rajesh Chaturvedi, PW-2 Sh. Rajender Jadhav and PW-3 Abdul Majid which have similar corrections and the witness could not tell who had recorded their statements, but the statements have been signed by this witness. There are cuttings at many places including date without any initials. Ld. Counsel submitted that, to point out the interpolations, infirmities, the statement was got exhibited as Ex. PW-41/D1.

The witness also deposed that he had received copy of FIR through fax. Ld. Counsel submitted that he would show from the evidence of Sh. Ram Singh, IO of the case that the fax was received by DIG, Mumbai. There is no document to show that DIG, Mumbai marked the same to this witness. The witness deposed that Sh. Suresh Nanda was shifted to another room where as remaining three accused remained in the same room. Ld. Counsel submitted that it shows that the main target was Sh. Suresh Nanda, due to Barak Missile Case.

Ld. Counsel submitted that when the investigating agency knew before hand about the meeting of four accused in the Mumbai Hotel, why they had not got the meeting video-graphed by installing cameras secretly.

The witness deposed that the independent witnesses remained in the Room No. 161 throughout. Ld. Counsel submitted that the interrogation of Sh. Suresh Nanda should have been in the presence of independent witnesses,


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but he was taken to a separate room, otherwise the independent witnesses would have disclosed topic of interrogation during their examination in court. The witness deposed that he had given the statement of Sh. Suresh Nanda to the IO of the case. Ld. Counsel submitted that this statement was not given to the accused.

The witness also deposed that he had not obtained signatures of the members of the team, who were from CBI, Mumbai on any of the document. Ld. Counsel submitted that this is an important omission and the witness could give no reason for not doing so. Ld. Counsel submitted that he is referring to the evidence of this witness to show his credibility, trust worthiness and reliability, otherwise, he is not denying the arrest of the accused from the said hotel room at Mumbai on 08.03.2008. However, Ld. Counsel raised a question whether meeting of four individuals in a hotel room at Mumbai is consequential? Whether same is having the consequences for this case?

Ld. Counsel again submitted that once the Accused No. 1 Sh. Ashutosh Verma had given the Appraisal Report to his senior officer on 22.02.2008, it cannot be alleged that the meeting on 08.03.2008 was for diluting the Appraisal Report, as by then the status of Appraisal Report had already changed and it had become executive summary and the senior officers were beyond the control of Accused No. 1 Sh. Ashutosh Verma.

Ld. Counsel submitted that if the meeting of four accused was for conspiracy for dilution of Appraisal Report, then one of the accused Sh. Sanjeev Nanda could not have been discharged. The fact that the said accused was discharged shows that there was no conspiracy amongst the four accused for dilution of Appraisal Report, otherwise the accused Sh. Sanjeev Nanda would not have been discharged.

According to the prosecution witness, no incriminating material was found in the personal search of the accused, search of hotel room or search of

the cars. There is no evidence, what was the purpose of meeting. The CBI could not answer at the end of trial, why the meeting had taken place? What was the criminality in that meeting and the prosecution case of conspiracy is irreconcilable with the discharge of Sh. Sanjeev Nanda. Furthermore, illegal arrest of the accused persons vitiates the entire case.

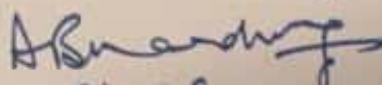
Ld. Counsel referred to the evidence of PW-31 S.I. Phape, Sr. Manager, Punjab National Bank, Branch Office Nagpur, Maharashtra, who was the independent witness. Ld. Counsel submitted that the evidence of this witness is also on the same lines as the evidence of PW-41 Sh. Surender Malik. In cross-examination by Ld. Counsel for Accused No. 1, this witness deposed that from the time he reached CBI Headquarter and till he entered the room wherefrom the accused were apprehended, he was not informed who were the persons against whom the CBI team was moving or what was the case/allegations against them.

Ld. Counsel submitted that this contradicts the statement of PW-41 Sh. Surender Malik that independent witnesses were briefed about the purpose of their visit to the hotel room.

The witness also deposed that in his presence, the copies of the documents which were prepared, were not given to the accused. Ld. Counsel submitted that it shows that the grounds of arrest were not given to the accused.

Now, the Ld. Counsel again referred to the evidence of Investigating Officer PW-59 Sh. Ram Singh recorded on 06.03.2018, where he deposed that he did not seize the any official record for departure of Inspector Surender Malik and Inspector V.M. Mittal for their departure from Delhi.

The witness had deposed that if printed performa of case diaries is not available, the CD can be written on a plain paper also. The CD in this case was written on a plain paper by PW-41. Ld. Counsel submitted that it is not the case of prosecution that printed case diaries were not available at Mumbai.


04.09.2020

The witness also deposed that it is not written in the case diary that he had received copy of FIR sent via fax to Mumbai office from the concerned CBI official or not.

The witness, during his cross-examination, recorded on 27.04.2018 also deposed that he does not remember whether any incriminating material was found against the accused during searches conducted on 08.03.2008 and 09.03.2008. He submitted that he had information that accused were meeting in Mumbai for diluting, minimizing income tax liabilities and obtained huge gratification as pecuniary advantages in lieu of this. Ld. Counsel submitted that no departmental witness has supported this allegation, no cash was recovered, there is no evidence of gratification, there are no circumstances of conspiracy and there is no evidence of favour or dilution of Appraisal Report.

With this, the Ld. Counsel concluded his arguments for the day and submitted that, now he will address on two points:-

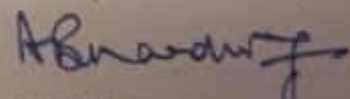
1. Whether any offence is made out by the meeting of four accused persons in the hotel room; and
2. About alleged Goa property, which came on the scene after two years of the arrest of the accused.

As requested, list now on Wednesday i.e. 09.09.2020 at 2:15 PM for further arguments by Ld. Counsel for Accused No. 1 Sh. Ashutosh Verma.

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

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(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/04.09.2020