

**IN THE COURT OF MS. SANTOSH SNEHI MANN,  
SPECIAL JUDGE (PC ACT): CBI-08: RADC: ND**

**CLOR No. 01/2019**

**CIS No. 10/2019**

**CBI Vs. Anand Joshi**

**RC No. 13(A)/2016/ACB**

**u/s: 120B IPC & 13(2) r/w 13(1)(d) of P.C. Act**

**26.08.2020**

*Regular functioning of the Courts at District Courts, Delhi has been suspended since 23.03.2020 vide orders of Hon'ble High Court of Delhi.*

*Case file is taken up by Video Conferencing through unique court ID on CISCO Webex Meeting App, created under Delhi District Court domain, hosted by Mr. Pankaj Sanwal, P.A to this Court, in reference to the **Order No. Power/Gaz./RADC/2020/E-8959-9029 dated 16.08.2020 & Circular No. E-8051-8130/Comp/RADC/ND/2020 dated 03.08.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RADC, New Delhi.***

**Present:** SI Ashok Kumar Pairvi Officer for CBI.

Ld. PP for CBI is on leave today.

Vide separate order announced today, Final report filed by CBI as closure report for want of sufficient evidence is found deficient on material aspects. CBI is directed to further investigate the case w.r.t. the deficiencies and gaps observed in the order.

Put up for further report on the investigation now on **07.11.2020.**

Digitally signed copy of the order sheet be sent to the Computer Branch, RADC for uploading it on the official website of Delhi District Courts.

Hard copy of the order sheet and copies of the aforementioned orders of the Hon'ble High Court of Delhi and Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue District Court, New Delhi be placed on record in the judicial file by the Reader as and when physical functioning of the courts is resumed.

Order has been dictated to Mr. Pankaj Sanwal, Personal Assistant by Video Conferencing.

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(Santosh Snehi Mann)  
Special Judge (PC Act), CBI-08  
RADC/ND:26.08.2020

PS

**IN THE COURT OF MS. SANTOSH SNEHI MANN,  
SPECIAL JUDGE (PC ACT): CBI-08:  
ROUSE AVENUE DISTRICT COURT: NEW DELHI**

Closure Report No. 01/2019

CIS No. 10/2019

RC No. DAI-2016-A-0013

u/s: 120B IPC & s.13(2) r/w s.13(1)(d) of P.C. Act

**Central Bureau of Investigation**

Versus

**1. Anand Joshi**

The then Under-Secretary, FCRA Division  
Ministry of Home Affairs, Govt. of India,  
New Delhi

R/o 401 Media Time Apartment, Abhaykhand,  
IV, Indirapuram, Ghaziabad.

**2. Unknown Public Persons**

Date of conclusion of arguments : 14.08.2020  
Date of order : 26.08.2020

**ORDER:**

1. FIR No. RC-DAI 2016-A-0013 under Section 120-B IPC and s.13(2) r/w s.13(1)(d) of PC Act was registered on 05.05.2016 on the basis of written complaint of Mr. B. K. Prasad, Additional Secretary(Foreigners), Ministry of Home Affairs against Anand Joshi, then Under Secretary in the Ministry of Home Affairs, Government of India and unknown public/private persons.

2. As per the complaint, accused Anand Joshi was handling FCRA matters. Allegedly he indulged in certain corrupt and illegal activities by issuing notice/standard questionnaire(SQ) dishonestly to a large number of NGOs/Societies/Association registered under the Foreign Contribution (Regulation) Act, 2010 (FCRA), who were receiving significant amount of foreign contribution. Accused Anand Joshi allegedly called representatives of some of the organizations/Societies, and demanded and obtained illegal gratification from them. NGOs/Societies/Association named in the complaint in this regard are - i. M/s Snehalaya Charitable Trust; ii. Indian HIV/AIDS Alliance; iii. All India Primary Teachers Federation and iv. Care India.
3. It is also alleged in the complaint that accused Anand Joshi had laundered his ill-gotten earning in various immovable assets and private companies, namely - M/s Sreejak Media Pvt. Ltd.; M/s Sreejak Radio Media Pvt. Ltd. and M/s Sreejak Outdoor Media Pvt. Ltd. Allegedly these companies have been floated by him, where-in his wife is a Director. It is further alleged that he had made investment by booking a shop in the name of his wife at Indirapuram Habitat Centre. As per the complaint even after transfer of the accused from FCRA division, he continued to indulge in corrupt activities on the basis of documents/information retained by him unauthorizably.

4. During investigation, procedure followed in the Ministry regarding monitoring of receipt and utilization of foreign contribution by the NGOs/Association under FCRA was examined, according to which if violation of any provision of the Act is found to be committed by any NGO/Association, a Standard Questionnaire(SQ) is served to the concerned NGO/Association with the approval of the Director/Deputy Secretary or higher officer In-charge of the Monitoring Unit. Information received from the NGO/Association in response to the SQ is scrutinized by the Monitoring Unit of FCRA wing, designated to monitor receipt and utilization of foreign contribution. If prima-facie violation of any provision of the Act is found to have been committed by an NGO/Association, inspection of the accounts and records of the concerned NGO/Association is conducted with approval of the Joint Secretary (Foreigners) or any other senior officer. As per the procedure, inspection of accounts and records could be conducted either in the Monitoring Unit (off-site inspection) or at the premises of the NGO/Association (on-site inspection). The inspection report is submitted to the Director/Deputy Secretary (MU)/Joint Secretary (Foreigners) and is then communicated to the concerned NGO/Association for comments. On the basis of comments received, decision is taken at the level of Joint Secretary (Foreigners) or higher level, either to close the case or impose penalty or cancel/suspend registration of the

NGO/Association. In case of major violation, such as misutilization of foreign contribution, the matter may also be referred to the police or CBI for investigation.

5. Allegation wise gist of result of investigation as per the Final Report is as under:

**Allegation No. 1:** *Sh. Anand Joshi while working as US (FCRA) was handling FCRA matters where he indulged in corrupt and illegal activities.*

**Result of investigation:** It was revealed during investigation that from 21.01.2015 to 01.01.2016, accused Anand Joshi had issued notices/SQs/dealt with 80 NGOs/associations while posted in FCRA (Monitoring Unit) and he was also authorized to conduct off-site/on-site inspections. However no document was provided by the Ministry of Home Affairs(MHA) to the IO to substantiate the allegations in the complaint. MHA vide letter no. II/21022/58(0040)/2013-FCRA(MU) dated 12.03.2019 communicated to the IO that no connected files/documents were found in the Ministry to substantiate the allegation in the complaint of Mr. B. K. Prasad, Additional Secretary (Foreigners), Government of India.

Notices u/s 91 Cr.P.C were sent by IO to various NGOs/associations/organizations to whom notices/SQs

were issued/dealt by accused Anand Joshi and as per the Final Report, none of them including the NGOs named in the complaint had made any written or verbal complaint against any officer posted in FCRA (Monitoring Unit), MHA for any kind of demand or acceptance of illegal gratification/bribe during the period 01.01.2015 to 31.03.2016.

**Allegation No. 2:** *Sh. Anand Joshi issued notices/Standard Questionnaires (SQs) dishonestly to a large number of NGOs/associations registered under FCRA 2010, which had received significant amount of foreign contribution, in an arbitrary manner.*

**Result of investigation:** During investigation 68 files of the NGOs/associations dealt by the accused were received by IO from the officials of FCRA (Monitoring Unit), MHA and it was informed that remaining files were not available. It was revealed that out of those 68 files, accused Anand Joshi had issued SQs to 40 NGOs without obtaining prior approval of the Director/Deputy Secretary (MU). As per the Final Report, Chief Functionaries/Representatives of the NGOs/associations informed the IO that accused Anand Joshi had not made any demand from them.

**Allegation No. 3:** *With regard to the allegation that Sh. Anand Joshi demanded and obtained illegal gratification*

*from some of the representatives of the NGOs/associations.*

**Result of investigation:** Investigation revealed that M/s Snehalaya Charitable Trust had applied for grant of prior permission and input was received from IB that trust had received funds from IEC/Italy. Accused Anand Joshi dealt with file and was to carry out an off-site inspection of the trust. However on the scheduled date of inspection he was on leave and on scrutiny of documents it was found that the Trust had not committed any violation.

Investigation revealed that a complaint was filed against Indian HIV/AIDS Alliance, New Delhi in the Ministry of Home Affairs, Government of India alleging that majority of the trustees(7 out of 9) were foreign nationals including Pakistani. On-site inspection was proposed and the file was marked to the accused Anand Joshi. However the inspection was not carried out as approval of the competent authority was not received during the tenure of the accused.

Investigation revealed that a complaint was received in FCRA, MHA against All India Primary Teachers Federation, Delhi and Accused Anand Joshi was authorized to conduct off-site inspection along with Sh. Janardhan, Accountant. However accused Anand Joshi



was relieved from FCRA (MU) before the scheduled date of the off-site inspection.

During investigation it was found that Care India, New Delhi had requested for condonation for acceptance and utilization of FC of Rs.28,32,55,617/- received from Care International and Option Consultancy, UK without permission. The file was dealt by the accused Anand Joshi for verifying the activities and on-site inspection, who had responded vide OM dated 05.05.2015 that action was supposed to be taken after verification of the books of accounts and records by off-site or on-site inspection by MHA.

As per the Final Report, SQs were not issued to the above NGOs by accused Anand Joshi.

**Allegation No. 4:** *With regard to allegation that Sh. Anand Joshi laundered his ill-gotten earnings in various immovable assets as well as certain private companies, viz., M/s Sreejak Media Pvt. Ltd., Sreejak Radio Media Pvt. Ltd. and Sreejak Outdoor Media Pvt. Ltd. which have been floated by him and wherein his wife is one of the directors.*

**Result of investigation:** Investigation revealed that Ms. Meenakshi Sharma wife of accused Anand Joshi is one of the directors in the companies - (i) M/s Sreejak Media Pvt. Ltd.; (ii) Sreejak Radio Media Pvt. Ltd. and

Sreejak Outdoor Media Pvt. Ltd., which provides following services to the Media Houses into the media monitoring domain:

- a. To monitor the content of the media vehicle (print, outdoor, electronic channels)
- b. To monitor the visual advertisements run on the TV Channel, whether it is running actually on-time/duration/right position/as being given by the client.

It was found during investigation that Bureau of Outreach Communication (earlier known as Directorate of Advertising & Visual Publicity i.e. DAVP) is a nodal agency to undertake multi-media advertising and paid publicity for various Ministries, Departments of Government of India, PSUs and autonomous bodies. The campaign division of DAVP prepares the media plan (estimate cum details of the empanelled agencies including rate, spot duration and period of campaign etc.) according to the client's requirement, budget, target locations and audience.

Investigation revealed that the TV agencies/media houses which receive the release order/work order from DAVP, after execution of the job submit online and physical bills within 30 days from the end date of telecast. The TV agencies/media houses are also required to submit a Third Party Monitoring report (TPMR) with bills.

Investigation also revealed that accused Anand Joshi was posted as Section Officer in DAVP during 2008 to 2012.

It has come in the investigation that M/s Sreejak Media Pvt. Ltd., in which Ms. Meenakshi Sharma wife of accused Anand Joshi is the Director, was one of the Third Party Monitoring Agencies and had done business in this capacity for many media houses/TV Agencies who had done advertising and paid publicity for the Government through DAVP. Copies of TPMRs of M/s Sreejak Media Pvt. Ltd. have been collected during investigation which were submitted by various media houses/TV agencies to DAVP along with bills for the years 2014-15, 2015-16 and 2016-17. Payments to M/s Sreejak Media Pvt. Ltd. were made by the concerned media houses/TV agencies through bank against the bills raised.

As per the closure report no monetary transactions between the companies of the wife of accused and the NGOs/associations were found during investigation and there are no immovable assets in the name of these companies to substantiate allegation of laundering of ill-gotten money by the accused.

**Allegation No. 5:** *With regard to allegation that Sh. Anand Joshi made an investment in booking a shop in his*

wife's name at Indirapuram Habitat Centre.

**Result of investigation:** Investigation revealed involvement of the accused and his wife in the transaction of following 04 immovable properties:

- i. Shop no. DC-109A at Indirapuram Habitat Centre Pvt. Ltd., Ghaziabad(UP)
- ii. Flat No. 401, Block 4, Media Times Apartments, Abhay Khand-IV, Indirapuram, Ghaziabad(UP)
- iii. Flat No. 597-D, 3<sup>rd</sup> Floor, Regal Sipra Suncity, Indirapuram, Ghaziabad(UP)
- iv. Flat No. 50, Shakti Khand-I, Indirapuram, Ghaziabad(UP)

Payment for booking the shop no. DC-109A at Indirapuram Habitat Centre Pvt. Ltd., Ghaziabad(UP) was made through 02 cheques – dated 02.04.2016 for Rs. 02 lac and dated 06.02.2016 for Rs. 03 lac by Ms. Meenakshi Sharma wife of accused Anand Joshi, but cheque no. 000093 dated 06.02.2016 had bounced. However, booking of the shop was cancelled later as Ms. Meenakshi Sharma did not complete the process of documents and the money paid was refunded to her.

Investigation revealed that Flat No. 401, Block 4, Media Times Apartments, Abhay Khand-IV, Indirapuram, Ghaziabad was purchased by the accused Anand Joshi

on 29.06.2003 for consideration of Rs. 2,84,687/-.

Flat No. 597-D, 3<sup>rd</sup> Floor, Regal Sipra Suncity, Indirapuram, Ghaziabad was purchased in the name of Ms. Meenakshi Sharma wife of accused Anand Joshi on 02.08.2011 for consideration of Rs. 25,50,000/-.

Investigation revealed that one Jai Prakash Anand was the registered owner of Flat No. 50, Shakti Khand-I, Indirapuram, Ghaziabad, who had transferred it in the name of accused Anand Joshi through Power of Attorney dated 29.11.2012 for consideration of Rs. 13 lac(apprx.). This property was subsequently transferred in the name of Shiv Kumar for consideration of Rs. 15 lac, which was received by the accused through Jai Prakash.

According to the Closure Report, allegation of laundering of ill-gotten earnings in various immovable assets by accused Anand Joshi could not be substantiated during investigation.

**Allegation No. 6:** *With regard to allegation that even after transfer from FCRA, Sh. Anand Joshi continued to indulge in corrupt activities on the basis of the documents/information in his possession in an unauthorized manner.*

**Result of investigation:** It is revealed during

investigation that no officer below the rank of Joint Secretary to the Government can take a Top Secret Document outside the Ministry/Department or building for attending meeting except under specific authorization and further that special authorization is normally not given to the officer below the rank of Deputy Secretary except in very special circumstances. However, Director/Deputy Secretary or specially authorized Under Secretary may take Secret Papers outside the Ministry/Department/building for attending meeting and discussion.

As per Closure Report, Ministry of Home Affairs could not tell the documents kept unauthorizedly by accused Anand Joshi. However in the house search of accused Anand Joshi during investigation on 08/09.05.2016, original files of Ministry of Information & Broadcasting, DAVP, MHA etc. were recovered and seized, including 03 files of IC-II Division of MHA pertaining to Afghan nationals. Besides these files, part file pertaining to NGO, Care India was also found and seized from the house search of accused Anand Joshi. Investigation revealed that accused Anand Joshi, the then Under Secretary, was not authorized to keep the original files at home.

As per the Closure Report sufficient evidence was not

found during investigation relating to the original files pertaining to Afghan nationals for prosecution of accused Anand Joshi.

6. Accused Anand Joshi is not Charge-Sheeted and Final Report is filed as a Closure Report on the ground that oral/documentary evidence found and collected during investigation is not sufficient to substantiate the allegations against accused Anand Joshi in the FIR. However, it is submitted that in the matter pertaining to FCRA and the matter of citizenship of Afghan nationals, regular departmental action for major penalty is being recommended against the accused for his act.
7. I have carefully gone through the Final Report and the material collected during investigation. The Report is found highly deficient on material aspects.

**Allegation-wise deficiencies and gaps in the Investigation are as under:**

8. Allegations No. 1 & 2:

- i. As per the Final report, IO had received a list of 80 NGOs/Societies/Associations from FCRA (Monitoring Unit), to whom notices/SQs were issued/dealt by the accused during his posting in FCRA (Monitoring Unit) from 21.01.2015 to 01.01.2016. Notices u/s 91 Cr.P.C were issued to those NGOs, but none of them made any

written/verbal complaint against the accused or any other officer posted at FCRA (Monitoring Unit), MHA, New Delhi about demand or acceptance of illegal gratification. The list of documents shows that notices sent to 14 NGOs (Serial No. 109, 113, 118, 130, 137, 139, 147, 152, 153, 155, 157, 162, 165 & 169) were returned unserved. However the closure report doesn't speak whether efforts were made by IO to trace them; whether these 14 NGOs were amongst the NGOs to whom SQs were issued by the accused Anand Joshi unauthorizedly and the manner in which those files were dealt by the accused.

ii. However on the scrutiny of documents with the assistance of Ld. Public Prosecutor, it is found that out of those 14 NGOs, SQs were issued to 06 NGOs unauthorizedly without approval by the accused (sr. no. 4, 8, 48, 49, 51 & 53 in the list provided by MHA).

Surprisingly witnesses from those 14 NGOs have been cited in the list of witnesses (sr. no. 62, 68, 97, 98, 100 & 102 in the list), but their statements were not recorded during investigation. In these circumstances, it is incomprehensible as to on what basis representatives of these 14 NGOs have been cited as witnesses in the list of witnesses, if notices sent to them by IO returned undelivered.

iii. According to the Final Report, out of the 80 files dealt by accused Anand Joshi, IO received only 68 files from the



Ministry, which informed vide its letter dt. 22.02.2018 that the remaining files were not available with FCRA (Monitoring Unit). Final Report is totally silent about the manner in which the remaining 12 files were dealt by the accused and whether SQs were issued unauthorizedly by accused Anand Joshi in those files. Final Report is silent whether any efforts were made by the IO to access those 12 files and to find out whether those files were permanently missing/lost/destroyed or temporarily not available with the Ministry, and what administrative steps were taken by the Ministry either to make those files available for investigation purposes or to fix the accountability for the lost/unavailable files.

- iv. Though as per the Final Report, 68 files were received by the IO during investigation, but only 62 files have been accounted for in the report (tables on page 11 & 12 of the report). Report is silent about the remaining 06 files and the manner they were dealt by the accused.
- v. List of witnesses show the witnesses at serial no. 60 to 125 (66 in number) are the representatives of NGOs, but their statements were not recorded during investigation. Report is silent about the reason for not recording their statements and in the absence thereof, the material/evidence collected by IO to arrive at the conclusion.

- vi. Surprisingly IO has not examined the complainant Sh. B.K. Prasad in reference to so called response from various NGOs, either to confront him or to gather further leads/material in support of the allegation made in his written complaint.
- vii. Instead of examining representatives/office bearers of some of the NGOs to whom SQs were issued unauthorizedly and without approval of the competent authority by the accused, IO has simply placed on record their written reply which is no evidence in the absence of statements of the witnesses recording during investigation.
- viii. Investigation has revealed that accused Anand Joshi had in fact issued SQs without approval unauthorizedly to various NGOs, a specific allegation made in the complaint, but IO has concluded the investigation abruptly and hastily drawing vague inferences without investigating the motive of the accused Anand Joshi for issuing SQs unauthorizedly.
- ix. On perusal of the documents annexed with the final report with the assistance of Ld. Public Prosecutor, it is found that accused had unauthorizedly issued notices/SQs to various NGOs, but statements of most of the representatives of the NGOs were not recorded by the IO during investigation. Therefore it is incomprehensible that on what basis IO has concluded the investigation on the allegations no. 1 & 2 by drawing the inference that accused Anand Joshi had not

indulged in corrupt or illegal activities and had not dishonestly issued notices/SQs to the NGOs in an arbitrary manner.

x.As per Final report, Ministry of Home Affairs could not provide any written complaint or document to substantiate allegations in the written complaint of Sh. B.K. Prasad, the then Additional Secretary, MHA (Foreigners), New Delhi. Surprisingly there is no examination of the complainant Sh. B.K. Prasad in this regard and there is no independent investigation on this aspect.

9. Allegation No. 3:

i.In reference to the allegations in the complaint that accused Anand Joshi had demanded and obtained illegal gratification from the representatives of some of the NGOs, names of four NGOs mentioned in the complaint are – i. M/s Snehalaya Charitable Trust; ii. Indian HIV/AIDS Alliance; iii. All India Primary Teachers Federation and iv. Care India. As per Final Report, representatives of these NGOs have denied having received any demand or made payment of any illegal gratification to the accused. Except for the statements of the representatives, there is no independent investigation on this aspect. Surprisingly, even the complainant has not been examined in detail about the basis of allegations against the accused qua these 04 NGOs.

ii. Investigation has however, revealed that files of these four NGOs were under scrutiny for one or other reason with respect to the foreign grant and accused Anand Joshi was dealing with those files. It's a matter of record that original file of one of these NGOs - Care India, was recovered and seized in the house search of the accused, which he failed to account for. There is no investigation and the Final Report is silent about the motive and conduct of the accused in keeping the file in his possession.

iii. On the face of it, examination of the representatives of these NGOs has been done in a mechanical manner and not like investigation of a criminal case.

#### 10. Allegation No. 4:

i. It was found during investigation that Mrs. Meenakshi Sharma, wife of accused Anand Joshi is one of the Directors in 03 companies – M/s Sreejak Media Pvt. Ltd.; M/s Sreejak Radio Media Pvt. Ltd.; and M/s Sreejak Outdoor Media Pvt. Ltd. It is alleged in the complaint that accused laundered his ill-gotten money in these companies which have been floated by him. Statement of Mrs. Meenakshi Sharma wife of the accused recorded during investigation is sketchy and there is no independent investigation on the role of accused in formation of these companies and source of funds utilized for formation of the companies.

ii. Investigation has revealed that accused had worked as Section Officer in DAVP during the period 2008 to 2012 and M/s Sreejak Media Pvt. Ltd. was getting business from DAVP. In the house search of accused Anand Joshi, original files of Ministry of Information & Broadcasting including DAVP (Serial No. 5 to 11 in the list of Official Files/ Documents recovered in the house search of Accused) were found and seized, which were last dealt between 2009 to 2014. During the search and seizure, accused was not posted in DAVP, Ministry of Information & Broadcasting and so he could not have had access or possession of those files. There is no investigation as to how those files were in possession of the accused and what was the motive.

iii. No official of DAVP, Ministry of Information & Broadcasting has been examined about conduct of the accused despite the fact that accused has admitted in his interrogation dt. 19.05.2016 & 21.05.2016 that during his posting as a Section Officer in DAVP in 2012-13, M/s Sreejak Media Pvt. Ltd., in which his wife was one of the Directors, had got contracts and work-orders through DAVP. It has also come in his interrogation that he could not have retained the files of DAVP after his transfer from there and further that his conduct might have caused loss to the Govt./person. Surprisingly there is no investigation in furtherance of the

above facts pointing at the conduct of the accused in the light of allegations made in the complaint.

iv. As per the final report, the above mentioned 03 companies were run by Mrs. Meenakshi Sharma wife of accused Anand Joshi along with one Bipin Bihari Pandey. It has come in the statement of Bipin Bihari Pandey that he is a Media Professional and during the year 2007-08 when he was working for Aaj Tak, he came in contact with accused Anand Joshi, who was posted in Aakashvani. Accused had introduced his wife Mrs. Meenakshi Sharma to him, an entrepreneur in M/s Sreejak Media. According to Bipin Bihari Pandey, on the proposal of Mrs. Meenakshi Sharma, he joined her. It has further come in his examination that main sources of income of M/s Sreejak Media was through Outdoor Media Monitoring, Classification of media sites, Channel advertisement and Content monitoring. It has come in his statement that DAVP was the main client through which M/s Sreejak Media got various contracts during the period from December, 2011 to February, 2014. There is no investigation and investigation is mysteriously silent about role and conduct of the accused in getting business for the company of his wife.

v. Though Mr. Tapan Sutradhar, Accounts officer from DAVP(W-30 in the list of witnesses) has been examined during investigation, but his entire examination is about the

working of DAVP There is no investigation as to how the company of wife of the accused was getting business and whether accused Anand Joshi exercised the influence in generating the business because of his posting in DAVP.

vi. Many original files of DAVP were recovered and seized in the house search of accused Anand Joshi, the possession of which he failed to justify and explain. There is no investigation about motive of the accused for keeping those files even after his transfer from DAVP and conduct of the accused raises suspicion about his continuous involvement and influence in generating business for the companies run by his wife and Bipin Bihari Pandey.

11. Allegation No. 5:

i. It is alleged in the complaint that accused had laundered his ill-gotten earnings in various properties, including investment in booking a shop in his wife's name at Indirapuram Habitat Centre. During investigation it was found that shop no. DC-109A at Indirapuram Habitat Centre, Ghaziabad, U.P was booked in the name of wife of the accused against payment of Rs. 05 lac by two cheques. One of the cheques had bounced and this booking was later on cancelled, and the amount paid was refunded. Besides the above shop, Flat No. 401, Block 4, Media Times Apartments, Abhay Khand-IV, Indirapuram, Ghaziabad was

purchased in the name of the accused Anand Joshi on 29.06.2003 for consideration of Rs. 2,84,687; Flat No. 597-D, 3<sup>rd</sup> Floor, Regal Sipra Suncity, Indirapuram, Ghaziabad was purchased in the name of Mrs. Meenakshi Sharma, wife of the accused on 02.08.2011 for consideration of Rs. 25,50,000 and Flat No. 50, Shakti Khand-I, Indirapuram, Ghaziabad was transferred in the name of accused Anand Joshi through Power of Attorney by the registered owner Jai Prakash Anand for consideration of Rs. 12 lacs paid by the accused through cheques. This property was subsequently transferred and registered in the name of one Shiv Kumar for a consideration of Rs. 15 lacs, which amount was paid to the registered owner Jai Prakash Anand, who had then transferred Rs. 15 lacs to the accused. There is no investigation whether accused could lawfully account for these properties or they were disproportionate to his known source of income.

- ii. Transactions with respect to the shop at Indirapuram Habitat Center and Flat No. 50, Shakti Khand-I, Indirapuram, Ghaziabad indicate channelization of money by the accused and his wife. But there is no investigation on this angle.
- iii. Despite the fact that there is a specific allegation of money laundry and acquisition of disproportionate assets by the accused, there is no investigation about the lawful income



of accused Anand Joshi and his wife during the relevant period. There is no investigation whether the money used in the transactions of immovable properties was laundered by accused through these transactions.

- iv. Final report is silent whether the bank accounts of the accused and his wife were scrutinized vis-à-vis sources of funds.
- v. There is no investigation whether accused Anand Joshi had intimated his department or sought prior permission under the Conduct Rules with respect to the above transactions.
- vi. Final report is silent whether accused Anand Joshi had declared and filed returns to the statutory authorities w.r.t. the acquisitions and transactions in the properties.

12. Allegation No. 6:

- i. During the house search of the accused, 03 original files of Ministry of Home Affairs(Indian Citizens) pertaining to 03 Afghan nationals(Ritu Kaur, Khushi and Sahil, all minors) for Indian Citizenship, were seized and the accused failed to account for the possession of those files. Officials of the concerned Division of MHA were examined during investigation, who revealed that accused Anand Joshi had granted Indian Citizenship Certificates to the Afghan Nationals – Ms. Ritu Kaur, Ms. Khushi and Master Sahil without approval of the competent authority. It has also

come in their statements that Indian Citizen Certificates could not have been issued in those cases for want of necessary documents. This shows that Indian Citizen Certificates were illegally issued by the accused. Despite this evidence/material, which strongly indicates ulterior motive and criminal abuse of power/authority/office by the accused, there is no further investigation, which has been concluded abruptly.

- ii. During the course of investigation, original files of Ministry of Home Affairs, FCRA; Ministry of Home Affairs, Indian Citizen, Ministry of Information & Broadcasting and Ministry of Communications & IT were recovered and seized from the house of accused. Since accused was posted in the Ministry of Home Affairs, FCRA at that time, the original files of other Ministries/departments could not have been dealt by him. Rather no original file could have been retained or kept by him at residence. There is no investigation on this aspect. Nature of the files recovered show that there were vested interests of the 3<sup>rd</sup> party in those files. Therefore, role, conduct and motive of the accused Anand Joshi to retain those files is required to be investigated.

13. Deficiencies and gaps observed in the material aspects of investigation are reflection of incompetency of IO and lack of effective supervision by the senior supervisory officer. CBI is

directed to further investigate on the above noted deficiencies/gaps in the investigation.

14. Status report on further investigation be filed on **07.11.2020**.

Announced in the open Court  
on 26<sup>th</sup> August, 2020

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**(Santosh Snehi Mann)**  
Special Judge (PC Act), CBI-08,  
Rouse Avenue District Court  
New Delhi

**IN THE COURT OF MS. SANTOSH SNEHI MANN,  
SPECIAL JUDGE (PC ACT): CBI-08: RADC: ND**

**CC No. 05/15**

**CIS No. 201/2019**

**CBI Vs. Abhay Kumar Srivastava and others**

**RC No. 09A/2011/CBI/AC-I/ND**

**U/S: 13(2) r/w 13(1)(e) PC Act**

**26.08.2020**

*Case file taken up by Video Conferencing through unique court ID on CISCO Webex Meeting App, created under Delhi District Court domain, hosted by Mr. Pankaj Sanwal, P.A to this Court, in reference to the **Order No. Power/Gaz./RADC/2020/E-8959-9029 dated 16.08.2020 & Circular No. E-8051-8130/Comp/RADC/ND/2020 dated 03.08.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RADC, New Delhi.***

*Regular functioning of the Courts at District Courts, Delhi has been suspended since 23.03.2020 vide orders of Hon'ble High Court of Delhi bearing Nos. 373/Estt./E1/DHC dated 23.03.2020, No. 159/RG/DHC/2020 dated 25.03.2020, No. R-77/RG/DHC/2020 dated 15.04.2020, No. R-159/RG/DHC/2020 dated 02.05.2020, No. R-235/RG/DHC/2020 dated 16.05.2020, R-305/RG/DHC/2020 dated 21.05.2020, No. R-1347/DHC/2020 dated 29.05.2020, No. 16/DHC/2020 dt. 13.06.2020, No. 22/DHC/2020 dt. 29.06.2020, No. 26/DHC/2020 dt. 30.07.2020 and No. 322/RG/DHC/2020 dt. 15.08.2020.*

*Subject to the orders/directions of the Hon'ble High Court and Ld. District & Sessions Judge-cum-Special Judge (PC Act)*

*(CBI), Rouse Avenue District Court, New Delhi received from time to time, cases are being taken up through Video Conferencing or adjourned.*

**Present:** SI Ashok Kumar, *Pairvi* Officer for CBI.

None for the accused (02 in number).

Ld. PP for CBI is on leave today.

Reader has informed that the defence counsel for the accused persons was telephonically informed about the proceedings being conducted through Video Conferencing.

However, none has joined.

This case is fixed for PE today.

*Vide order No. Power/Gaz./RADC/2020/E-8959-9029 dated 16.08.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act)(CBI), Rouse Avenue District Court, New Delhi, it has been directed that functioning of the courts at Rouse Avenue District Court Complex till 31.08.2020 shall be on the same terms as contained in the previous order dated 30.07.2020 of that office and further that the Courts at Rouse Avenue District Court Complex may adjourn those matters which can be heard appropriately through regular mode only.*

*Vide the previous order dated 30.07.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act)(CBI), Rouse Avenue District Court, New Delhi (No. Power/Gaz./RADC/2020/E-7784-7871), it was directed that all courts at Rouse Avenue District Court Complex shall take up all cases through video conferencing, however, evidence shall be recorded only in ex-parte and uncontested cases.*

Hence, this case is adjourned to **05.10.2020** for PE.

Digitally signed copy of the order sheet be sent to the Computer Branch, RADC for uploading it on the official website of Delhi District Courts.

Hard copy of the order sheet and copies of the aforementioned orders of the Hon'ble High Court of Delhi and Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue District Court, New Delhi be placed on record in the judicial file by the Reader as and when physical functioning of the courts is resumed.

The proceedings have been dictated to Ms. Indu Sharma Bhoria, Personal Assistant by video conferencing.

SANTOSH  
SNEHI  
MANN

Digitally signed  
by SANTOSH  
SNEHI MANN  
Date: 2020.08.26  
11:24:35 +05'30'

(Santosh Snehi Mann)  
Special Judge (PC Act), CBI-08  
RADC/ND:26.08.2020

ISB