

**IN THE COURT OF SPECIAL JUDGE (PC ACT), CBI-01,
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

**CC No. : 94/19 (Old CC No. 138/14)
RC No. : 29(A)/2014/CBI/ACB/New Delhi
U/s : 12 of PC Act, 1988**

CNR No. DLCT11-000440-2019

Central Bureau of Investigation (CBI)

Versus

- 1. Tarsem Pal
S/o Sh. Subhram
R/o. Village Ladrawan, Tehsil Bahadurgarh
District Jhajjar, Haryana**

- 2. Dharampal Lakra
S/o late Shodan Lakra
R/o. C-29, New Multan Nagar
Police Station Paschim Vihar
New Delhi-110056**

**Date of FIR : 22.07.2012
Date of Institution : 24.12.2014
Arguments concluded on : 30.07.2020
Date of Judgment : 06.08.2020**

JUDGMENT

1. The case was registered by the CBI U/s 12 of the PC Act 1988 against Tarsem Pal and Dharam Pal on the complaint lodged by Smt. Bhoomi Chhater Singh Rachhoya, a Councilor in the

Municipal Corporation of Delhi and thus falling into the scope and ambit of a public servant. The complaint dated 22.07.2014 was got verified after its receipt and on the same day, an attempt to lay a trap was made, but it could not materialize since the accused persons were somehow unable to come to the residence cum office of the Municipal Councilor. Consequently, trap was laid on 23.07.2014 and that proved successful as both Tarsem Pal and Dharam Pal were arrested while trying to give bribe to the public servant, i.e. Smt. Bhoomi Chhater Singh Rachhoya.

2. The matter was investigated upon, which included the examination of witnesses, collection of documents and dispatch of the audio and video recordings, which were made during the verification and trap proceedings on 22.07.2014 and 23.07.2014. RC (29)/2014-DLI/ACB/CBI ultimately shaped up into a final report, whereby Tarsem Pal was found to be complicit into bribing the public servant, which constituted an offence U/s 12 of the PC Act, and no credible evidence to prosecute Dharam Pal was found by CBI, thus he was placed in column no. 12.

3. Based upon the material gathered during the investigation and made part of the chargesheet, the complicity of another person namely Dharam Pal was also found by the court and accordingly, through the order dated 16.04.2015, Dharam Pal was also summoned.

4. After compliance of the provisions as contained in Section 207 Cr.P.C., vide order dated 16.02.2016, a charge was framed against both the accused persons U/s 120B of the IPC r/w

Section 12 of the PC Act as also for the substantive offence punishable U/s 12 of the PC Act.

5. Prosecution had arrayed 22 witnesses in order to bring home a case against both the accused persons, however, they finally managed to examine 24 witnesses as two experts of the CFSL were not shown as witnesses in the list of witnesses. Complainant Bhoomi Chhater Singh Rachhoya and her husband Chhater Singh Rachhoya were examined as PW-1 and PW-2 respectively; independent witness Sh. Ramesh Bhatt as PW-3; owner of plot No. 291, Swarn Park Industrial Area Sh. Kailash Bansal as PW-4; owner of mobile No. 9818654173 Sh. Ajit Kumar Kashyap as PW-5; another independent witness Sh. Bijender Singh as PW-6; Sh. Chander Shekhar, Nodal Officer of Airtel as PW-7; owner of Plot No. 200 Swarn Park Industrial Area Sh. Subhash Chand Gupta as PW-8; Sh. Ashok Kumar Gupta, Secretary, Swarn Park Industrial Area as PW-9; Sh. Satish Kumar i.e. owner of Plot No. 290, Swarn Park Industrial Area as PW-10; Sh. Mahabir Singh, co-owner of Plot No. 290, Swarn Park Industrial Area as PW-11, Sh. Satish Gupta, owner of plot No. 232, Swarn Park Industrial Area as PW-12, Sh. Rishabh Kumar Jain, Assistant Engineer, North MCD as PW-13; Sh. S.K. Goyal, Assistant Engineer, North MCD as PW-14; Sh. S.K. Rana, Junior Engineer, North MCD as PW-15, Sh. Satpla, Private Contractor engaged by MCD for demolition as PW-16, Sh. Sukhbir Singh, Beldar, North MCD as PW-17, Sh. Lokesh Chander, Assistant, North MCD as PW-18, Sh. A.K. Maurya, Inspector, CBI as PW-19, Dr. Rajinder Singh, Retired Director, CFSL, CBI as PW-20, Sh. S. Ingersal, CFSL, CBI as PW-21, Inspector Gursewak Singh, Holding Investigating Officer of the case as PW-22; DSP Deepak Gaur, Trap Team Leader of the case as PW-

23 and Sh. Sanjay Chaudhary, Congress worker as PW-24.

6. On conclusion of the evidence, statements of both the accused persons under section 313 Cr.P.C. were recorded, in which the evidence coming on record was put to them and their versions and responses were reduced into writing. Both of them have claimed themselves to be innocent and Dharam Pal specifically asserted that this case has originated due to the political rivalry between him, the complainant Smt. Bhoomi Chhater Singh Rachhoya and her husband. The sentiments of Dharam Pal were echoed by accused Tarsem Pal on this aspect. None of them opted to bring evidence in their defence.

7. Arguments were raised by Ld prosecutor and Ld counsels of both the accused persons. I have considered the same and have perused the record as well.

8. Prosecution has relied upon the testimony of the complainants i.e. Bhoomi Chatter Singh Rachoya and her husband Chatter Singh Rachoya and the complaint, by which they stood by and it is asserted that their testimony has been corroborated, supported and supplemented by the independent witnesses i.e. Bijender Singh and Ramesh Bhatt apart from the testimony of the CBI officials vis-a-vis the existence of the complaint itself, its verification and the trap proceedings carried out thereafter. The prosecution has further relied upon the technical evidence in the shape of audio recordings of the verification proceedings, coupled with the audio and video recording of the trap proceedings and finally the recovery of money *inter alia* supportive evidence/expert evidence.

9. In Kailash Gour Vs. State of Assam 2012 (1) LRC 81 (SC) wherein it is observed as under:-

“28. It is one of the fundamental principles of criminal jurisprudence that an accused is presumed to be innocent till he is proved to be guilty. It is equally well settled that suspicion howsoever strong can never take the place of proof. There is indeed a long distance between accused 'may have committed the offence' and 'must have committed the offence' which must be traversed by the prosecution by adducing reliable and cogent evidence. Presumption of innocence has been recognized as a human right which cannot be wished away. Reference in this context can be made to the case of [Narendra Singh and Anr. v. State of M.P.](#) (2004) 10 SCC 699 and [Ranjitsingh Brahmajeetsingh Sharma v. State of Maharashtra and Ors.](#) (2005) 5 SCC 294. To the same effect is the decision of this Court in [Ganesan v. Rama SRaghuraman and Ors.](#) (2011) 2 SCC 83 where this Court observed:

"Every accused is presumed to be innocent unless his guilt is proved. The Presumption of innocence is human right. Subject to the statutory exceptions, the said principle forms the basis of criminal jurisprudence in India."

29. The above views were reiterated by this Court in [State of U.P. v. Naresh and Ors.](#) (2011) 4 SCC 324.

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Thus the prosecution has to establish all essentials of the charge framed to allay this presumption of innocence.

What all should be taken in to consideration and what should be the approach of Trial Court in a criminal trial was detailed in [Shakila Abdul Gafar Khan v. Vasant Raghunath Dhoble](#) (2003) 7 SCC 749 and [Zahira Habibullah Sheikh v. State of Gujarat](#) AIR 2006 SC 1367.

[In Shakila Abdul Gafar Khan v. Vasant Raghunath Dhoble \(Supra\)](#), the Supreme Court observed that :

'The courts exist for doing justice to the persons who are affected. The trial/first appellate courts cannot get swayed by abstract technicalities and close their eyes to factors which need to be positively probed

and noticed. The court is not merely to act as a tape recorder recording evidence, overlooking the object of trial i.e. to get at the truth, and oblivious to the active role to be played for which there is not only ample scope but sufficient powers conferred under [the Code](#). It has a greater duty and responsibility i.e. to render justice in a case where the role of the prosecuting- agency itself is put in issue.'

Thus starting from the presumption of the accused the prosecution has to broadly proceed in the manner stated in the aforesaid judgments.

10. While relying upon the aforesaid evidence, it is asserted on behalf of the prosecution that Bhoomi Chatter Singh Rachoya and other witnesses have proved that Tarsem Pal and Dharam Pal Lakra i.e. both the accused persons not only offered bribe to her, a Municipal Councilor and thus falling into the definition of a public servant in order persuade her not to lodge complaints with the local municipal body qua the construction/unauthorized construction being raised by both the accused persons, either for themselves or as contractors/builders for other persons. The audio and video recordings are ample proof of what all transpired and what all role of accused persons and other persons had, who were associated in one or the other capacity in the proceedings. The recovery of money further seals the fate of both the accused persons, leaving no scope for any other inference except what has been stated by the witnesses and claimed by the prosecution. The video recording, it is asserted, is very clear and categorical and alongwith that the audio recordings are also there which are admissible and being above board, therefore, credible as well.

11. The counsel for both the accused persons whereas

assailed the case of the prosecution primarily on four counts that the evidence of the complainants and the independent witnesses are weak, contradictory and shaky, therefore not reliable, so is the situation of the technical evidence which too is weak and inadmissible for want of certificate under section 65-B of Indian Evidence Act. The investigation is defective inasmuch as the CBI did not bother to find out the status of the accused persons whether they were builders/contractors or not, what connection they have with the various properties as to whether they were owning or constructing it. There was no motive with the accused persons even if it is presumed that they were builders/ contractors to offer money to the complainant, especially when the property owners have not come forward to support any such theory of making available the money to be paid to the complainant. There are numerous other discrepancies, deficiencies and contradictions in the procedure adopted by the CBI and the testimony of the witnesses, so much so that before laying the trap, the search of the complainant Bhoomi Chatter Singh Rachoya was not carried out, as, admittedly no female CBI official was part of the CBI team and for that matter, there were presence of several other persons, who had some or the other connection with the complainant, and they kept coming in and going out from the so called office of the complainant about which it is not sure as to whether it was on the ground floor or the first floor. This brings in the possibility of bringing in money and placing it on table/placing in hands of the accused, etc.

12. Additionally, it is contended on behalf of the accused persons that it is manipulated case from the very beginning. How come independent witnesses were already there at 10.00 A.M./11

A.M. when the complaint itself was not filed till 11.00 A.M. In this context, statement of independent witnesses PW-3 Ramesh Bhatt has been relied upon where he says that he and his colleague Bijender Singh were asked by their officers to report to CBI office on 22.07.2014. He has also stated that not only Bijender Singh, was present with him but had signed alongwith him on the complaint Ex.PW1/C, whereas, it can't be so, nor it is so. How come they both were present before the arrival of complainants and existence of complaint and according to the Counsel for accused Dharam Pal, it was part of the conspiracy to malign Dharam Pal and finish him politically.

13. In fact, the aforesaid facts need to be viewed on the aspect of practicability. CBI acts on the complaints received and more often than not the time is short and arranging independent witnesses at short notice is nearly impossible. Complainants can be there any day, anytime so to meet such eventuality, public/independent witnesses are called in anticipation. That being so, the contention and that it was manipulated case can't be and is not correct. It is the demand of practicability and ensuring the sanctity of the proceedings, that availability of witnesses is ensured in advance, seemingly, in routine.

14. As regards signatures of the witnesses in the complaints as deposed by PW-3, it is, evidently, out of some mix-up and given the fact that most of the documents were signed by both the independent witnesses, so it has been deposed by PW-3 without realizing the nature of document. This in itself can't be sufficient to negate his testimony altogether.

15. The defence Counsel of both the accused persons have seriously challenged the credibility of the complainant and her husband and asserted that their credentials are not above board as they were indulging into various malpractices such as verification and forwarding the claim for Old Age pension which is given by the Municipal Corporation of Delhi that too indiscriminately without verifying any document and age, running an NGO in which members of the same family were in the Executive Committee, which is contrary to the statutory provisions, lodging indiscriminate complaints of unauthorized construction against various properties in their ward No. 31 and even in the adjacent wards, without verifying them by any means and subsequently writing to the authorities to withdraw those very complaints and again there being no valid reason given except the claim of property owners. It is, thus, asserted by the Counsel for both the accused persons that testimony of such witnesses is highly unreliable. In this context, Counsel for the accused persons has relied upon the judgment in Ravindra Mahadeo Kothamkar Vs. The State of Maharashtra in Crl. Appeal No. 1152 of 2004 wherein observations made as under:-

In appreciating evidence in trap cases, the character of the complainant assumes importance. The judicial pronouncements have recognized that there are various types of complainants. There are some complainants who basically want some favour from a public servant illegally and because of the refusal of the public servant to oblige him, decide to lodge a complaint against him. There are other types of complainants whose genuine and legitimate work is unnecessarily held up by a public servant with the object of obtaining illegal gratification from such complainants. In this case, the complainant, admittedly, being a person who had acted contrary to law and who faced the danger of inviting action by the local authorities avk 10/23 908-APPEAL-1152-2004-J.doc against the unauthorized construction

work carried out by him, his evidence needs to be scrutinized with due care.

16. Why can't in a reverse trap proceedings, the principle be read with role reversal, as is the present case. The character of the complainant has been questioned here too.

17. It has been further asserted that it is a case which has surfaced on account of political rivalry inasmuch as accused Dharam Pal Lakra was a Congress leader and a candidate for the ticket of MLA in the Legislative Assembly of Delhi's elections in the year 2013 and so was the husband of the complainant namely Chatter Singh Rachoya. They were well known to each other, but the testimony reveals that initially the complainant and her husband pleaded ignorance about Dharam Pal Lakra, his background or his association with the Congress party etc. but it has been shown in the cross examination conducted on behalf of the accused persons that they were not telling the truth and for that matter PW-1 has admitted in her cross examination that Dharam Pal is a known leader of her ward . She admitted that she was aware even before this case came in to existence that he is President of Mundka village. On these counts, the Counsel for the accused persons sought that the testimony of complainant her husband is to be disbelieved.

18. Evidence is the only way to prove or disprove anything and oral testimony apart from the documentary evidence are the ways through which evidence is brought on record. Where oral testimony is relied upon, then the credibility of the witnesses becomes very important. It is to be seen whether the witnesses are trustworthy, reliable, narrate factual position in a proper way, truthful

and that he or she is not irresponsible or reckless or that he or she has no *mala fides*, ulterior motive in deposing a particular fact for or against a particular person or a particular act or incident. Thus, the oral evidence has to undergo this acid test. In the instant case, testimony of the complainant Bhoomi Chhater Singh Rachhoya and her husband Chhater Singh Rachhoya, apart from the independent witnesses, is of utmost importance, so far as the oral testimony is concerned. When the evidence coming on record, particularly of PW-1 Bhoomi Chhater Singh Rachhoya and PW-2 Chhater Singh Rachhoya is tested on the aforesaid parameters of trustworthiness, truthful and credibility etc., then it becomes shaky for various reasons, starting right from the complaint to the trap proceedings and for that matter certain events prior to the complaint and their unusual conduct vis-a-vis their social political and personal lives, further raise doubts about their credibility.

19. It has come on record that complainant was a Municipal Councilor when the complaint was lodged, albeit, prosecution has not proved this fact cogently, and her husband was also active in politics. It has been admitted by PW-1 and PW-2 that accused Dharam Pal was also active in politics. Interestingly, both PW-1 and PW-2 have taken a stand that they did not know accused Dharam Pal prior to this incident or that he was either the President of the Swarn Park Industrial Association or an active Congress worker despite the fact that the PW-1 and PW-2 were also the members of the same party. However, when they were confronted with certain photographs and documents, then it surfaced that they have deliberately chosen not to show their acquaintance with the accused Dharam Pal prior to the incident as has been correctly pointed out by the Counsel for

accused. It has come on record that accused Dharam Pal and PW-2 both were serious contenders for ticket of MLA from the area in 2013. A kind of political rivalry was there and that makes the complainant an interested witness and where a complainant is an interested witness then corroboration is very essential ,reference in this context may be made to the case titled as **State of Punjab VS madan Mohan Lal verma AIR 2013 SC 3368**. It has also been admitted by PW-1 and PW-2 that during the campaign of the Municipal Council's elections, which was contested by PW-1, the Swarn Park Industrial Association had felicitated her in the run of the elections in the year 2012. It has also been admitted by PW-1 and PW-2 that accused Dharam Pal was the President of the said association for the last 15 years. It is, apparently, very strange that an Association which felicitated a political leader that too in the run up of elections would not know who is the President of the association.

20. PW-4 Kailash Bansal, owner of property bearing No. 290 and 291 in the Swarn Park Industrial Area has deposed that contribution was sought by PW-1 for her elections and he did not comply with the request. He has also stated that his property was sealed and de-sealed, but all this action started only after this case. He has also stated that property No. 289 was at times confused with property No. 290, indicating that actions against his property was under confusion. But then this shows that what kind of felicitation would have been there during the run up of elections of 2012 of the Municipal Council.

21. Apart from this, there are several other instances such as the visit of the then central minister Smt. Krishna Tirath at the

Farm House of accused Dharam Pal where a function was organized to honour the minister where both PW-2 and accused Dharam Pal were present and for that matter cutouts of PW1 and PW2 were put up by them qua which accused Dharampal raised objection since it was his Farm House and it was he who was managing the show and felicitating the Minister. A grudge was being nursed by PW2 since then and this assertion raised by the counsel for Dharampal may be true, . A 'Sai Sandhya' was also organized in which accused Dharam Pal was the chief guest and was welcomed by PW-2 as can be seen from the copy of photographs Mark PW1/D6. In these facts and circumstances, the stand taken by PW-1 and PW-2 that they did not know accused Dharam Pal prior to this incident falls flat on their face and this further indicates that there indeed was something amiss and that was deliberate which may be a kind of political rivalry between them and this gives a motive to the complainant against the accused Dharam Pal whereas motive with accused persons has not surfaced. And if Dharampal was not known to the complainant and her husband then why this insistence was repeatedly made to Tarsempal to bring Dharampal and why Trap was not proceeded with when only Tarsempal was in a position to come and not Dharampal?

22. From the conversation which allegedly took place between accused Tarsem Pal and PW-1 and PW-2, especially PW-2, it can be seen that there was a kind of insistence on the part of the complainant that accused Dharam Pal should accompany Tarsem Pal when Tarsem Pal was scheduled to visit them on 22.07.2014 and why was this insistence is not clear? It is not the case of the prosecution or the complainant that the unauthorized construction was carried out by accused Dharam Pal either by himself or through

somebody else in his property or in some other property. And if it was so, then where the construction was done and by whom. In such circumstances, why this insistence was there which remains unanswered and indicates to various possibilities, one of which may be to settle score with accused Dharam Pal or to politically and socially malign and finish him. The trap could not be proceeded with as Dharampal was unable to come ,which in turn give some strength to the contention that it was a design to frame accused Dharampal.

23. Various complaints were lodged by complainants against unauthorized construction in ward No. 31 from where PW-1 was elected as a Councilor. Documents have been placed on record wherein various properties have been mentioned where so-called unauthorized construction was being carried out or has been done ,as per those complaints written by PW-1. Several letters have been written under the signatures of PW-1 which she has admitted. It has also been stated by her that no action was taken on such complaints by Municipal Corporation of Delhi. Strangely she did not thought it fit to take up the issue in the House and raise it there to pursue her complaints if she was genuinely concerned.. It is highly unbelievable that a matter taken up by a member of the all powerful “standing committee”, which PW-1, according to her own admission was, then it would not be addressed, that too when she was Deputy Chairperson of Narela zone too. Incidentally, her version in her statement under section 161 Cr.P.C. was different that action was taken and she was confronted with her statement which is Ex.PW1/DA. There is no answer with PW-1 as to why the matter was not reported to police or vigilance department of MCD or to the Government of Delhi or any other agency or why it was not raised in the House or Committee.

24. The complaint lodged by her seems to be neither genuine nor credible inasmuch as she has recklessly sent those complaints, as she did not verify the factual position, as has been admitted by her nor she even cared to visit those properties for a first hand idea or some satisfaction as to what she was complaining of, but she has acted solely on the basis of the complaints received by her that too orally from the residents of the area. What has been deposed by PW-1 Bhoomi Chhater Singh Rachhoya is reproduced for ready reference:-

“I had never personally visited any of the concerned properties referred to in my complaints prior to making the said complaints. It will be correct to suggest that I had no personal knowledge about the illegal constructions existing on these properties on the dates on which I made the above complaints and whatever knowledge was there on my part, it was based on the narration given by the other persons of the Ward. **Vol.** The people also used to show me photographs of the illegal constructions being raised on these properties. I do not now remember if I had provided to the CBI any such photographs shown to me by the persons of my Ward. I cannot comment if no photograph of any such illegal construction was sent by me to the CBI alongwith my above complaints. I also never visited the office of MCD to ascertain the dimensions of the site plans, if any, approved for constructions on these properties., prior to filing of the above complaints. I also never visited the office of MCD or any other authority to verify the ownership of these properties.”

25. Incidentally, the complaints lodged by her are of the properties situated in the industrial area. In such circumstances, who were those residents who came forward to lodge the complaint or make the complaint to PW-1, which is neither told by PW1 nor CBI cared to look in to, thus it is not clear at all as to whether anyone

came to PW1 to lodge any protest or complaint or with the request to take up cudgels on his behalf.. Not a single person has been named by her in this context. She herself had, admittedly, not verified anything. These complaints, thus, enter into the realm of *mala fide* complaints once it is shown that same were made in a reckless manner and in the same manner taken up by PW1 to withdraw those complaints. Letters were subsequently written to MCD to stop action on her complaints and as reflected from these letters that too merely on the assurance of the property owners that they did not carry out any construction. Neither the complaint was verified nor for that matter the withdrawal of the complaint was written after verifying anything. Incidentally, PW2 has a contrary stand as he has deposed that not only he but his wife, PW1 too visited the properties to verify the complaints. This gives rise to apprehension expressed by the Counsel for the accused persons that these complaints were motivated and once that motive was achieved, the same person who lodges the complaint withdraws those very complaints. Incidentally, PW-1 has taken a stand that she does not remember such request made by her to de-seal the properties qua which complaints were made by her, but when she was confronted with the documents i.e. Mark PW-1/D1A and Mark PW1/D2A on which she not only admitted her signatures, but admitted to have sent those letters too and thus she stands discredited. The contents thereof reflect that no unauthorized construction was done on those plots i.e. plot No. 290 and 200 in the Swarn Park Industrial Area belonging to one Mahavir Singh and Abhishek respectively. Incidentally, in the complaint made, PW-1 had given the name of accused Tarsem Pal and accused Dharam Pal, to be the owners/contractors/builders of those very plots. When a witness makes inconsistent statements then such

witness becomes unreliable witness, reference can be made to the judgment in the case titled as **Suraj Mal VS State (Delhi Administration) AIR1979SC1408**. The aforesaid conduct was qua the case in hand, but, apart from that, Counsel for the accused has brought in several other aspects, touching the conduct and behaviour of PW-1 and PW-2, the husband wife duo.

26. It has been shown that PW-1 has relied upon a false or forged document qua her educational qualification while filing her nomination form for the elections of the Municipal Council. She has admitted that she had studied upto 7th standard, but the Counsel for the accused has brought on record the Nomination Form and the documents submitted alongwith it wherein complainant has placed a copy of the certificate of the educational qualifications alongwith the Nomination Form wherein she has been shown to have passed 12th standard. Nomination form Ex.PW1/D4 collectively with annexures includes 10 + 2 Senior Secondary certificate from National Open School. Again there was no answer as to how come this document forms part of the nomination form of PW-1.

27. It has been asserted by the Counsel for the accused while questioning the conduct, behaviour and character of PW-1 that she indulged into improper activities while forwarding the application forms of the local residents of her ward for old age pension. It was made mandatory by the Municipal Council for the applicants/claimants of old age pension to have the Application Form forwarded/recommended by the local Municipal Councilor in order to get old age pension. It is submitted by Counsel for the accused persons that PW-1 indiscriminately forwarded the Application Forms

and did not bother to see as to whether the applicant concerned was eligible for pension or not and has reached the age of 60 years or not. At least two instances have been shown by the Counsel for the accused persons through documents which were signed by PW-1, in token of recommending/forwarding those applications where the person(s) age is around 52 years and 40 years. Apart from this, Counsel for the accused persons submit that complainant lodged complaint containing details of 5 properties in one original complaint and 10 properties in another complaint whereas in the copies of those very complaints, one additional property has found mentioned. In this context document collected by the CBI during investigation Mark PW1/4 i.e. letter dated 17.06.2014 has a list of 11 properties against which a complaint was lodged by PW-1 whereas the document Mark PW1/D1(A) which again is a letter dated 17.06.2014 having mention of all those properties which are mentioned in Mark PW1/4 except the one at item No. 11 in Mark PW1/4. Mark PW1/D1(A) was put to the witness and was obtained through an RTI application. Similarly document Mark PW1/4 an addition of property at item No. 5A which is hand written and otherwise it contains 10 items/properties against which complainants were made. There was no explanation forthcoming from PW-1 and PW-2 in this context, giving strength to the contentions raised on behalf of the accused that complaints were indiscriminately made without any verification and with an ulterior motive.

28. Again issue of a missing file of the Municipal Corporation of Delhi pertaining to Ganpati Dharam Kanta has been brought in by Counsel for the accused and the tone and tenor of the testimony coming on record reflects some connections, if not

complicity of PW-1 in loss of that file was there ,whereas it has been established on record through the testimony of the officials of the MCD that file pertaining to MCD cannot be taken out from the office of MCD unless authorized by the competent authority, but the said file of Ganpati Dharam Kanta was brought out from the office of the MCD through one Rohtash, an acquaintance and activist, working on behalf of PW-1 and PW-2 and for some strange reasons the file went missing and PW-2 advised the aforesaid Rohtash to lodge an FIR. PW-1 could not give any reply to the Court query as to why Rohtash reported the loss of the file to them and how he was able to bring out the file from MCD office. Incidentally, complainant has a brother-in-law (Devar) by the name of Rohtash as admitted by her. If PW-1 and PW-2 had no connection with the said Rohtash and the said file then why would Rohtash, in the first place would report to them and why any advice would come from PW-1 and PW-2. Though this in itself is not conclusive, but in the background of the facts and circumstances, it probably indicates some involvement of PW-1 and PW-2.

29. PW-2 who is a politician himself and is running an NGO also and as per the statutory requirements, the family members cannot be the members of the society which is running the NGO, but it has been shown that at least two family members i.e. sister and brother of PW-2 were the members of the NGO which was run by PW-2. Again no explanation to this deviation is there nor could be there as statute specifically prohibits such a composition of the society. In fact, PW-2 is the person who was calling the shots on behalf of PW-1. With the reservation for females in various political bodies has given rise to a new phenomena and new words have been coined such as 'Pradhanpati', 'Vidhayakpati', 'Parshadpati' etc.

It has come on record also that PW-2 was the prime mover inasmuch as PW-1 has admitted that PW-2 always accompanied her to all her meetings including the meetings at the House. PW-14 S.K. Goyal, Assistant Engineer, MCD has categorically admitted that PW-2 used to give instructions regarding work to be done in the ward i.e. the ward represented by his wife Bhoomi Chhater Singh Rachhoya apart from general interactions with him. He had also admitted that most of the complaints made by PW-1 and PW-2 turned out to be false and has also admitted that those were against the political adversaries of PW-1 and PW-2. However, at the later stage, during his examination, he pleaded his ignorance about these facts. The spontaneous reply, however, carries more weight.

30. PW-2 has stated in his examination in chief that the property No. 232, Swarn Park was the main property qua which the present complaint was lodged in which PW-1 was allegedly offered bribe by accused persons. However, it has not been shown as to how accused persons are connected with this property. The property belongs to one Satish Gupta, who has been examined as PW-12. The obvious question would be why anybody would be stepping in to plead the case of someone unless some interest was there. What was that interest is not clear. PW-12 has categorically stated that he came to know about the complaint regarding his property was made by Municipal Councilor Bhoomi Chhater Singh Rachhoya, which according to him was a false complaint. He has also admitted that during his visits to Municipal office, he came to know that the local Municipal Councilor had lodged various other complaints against other persons from the Swarn Park area. He says that due to this complaint he was harassed without there being any substance in the

complaint. It has been admitted by PW-1 that she had written other letters also such like the one Mark PW-1/D1 and PW1/D2 even before and after she wrote these letters to municipal authorities. The Counsel for the accused has stated that she was in the habit of lodging false complaints with ulterior motive and subsequently withdrawing such complaints. Therefore, such a witness cannot be termed as a credible witness and so was the argument in respect of PW-2. The aforesaid instances do indicate that the averments by the defence are correct. In this context, reference can be made to the judgment in Ashok Narang Vs. State 2012 (2) LRC 287 (Del) wherein it was observed as under:-

'If one integral part of the story given by witnesses was not believable, then the entire case failed. In other words, the Position was that while PWs. 6, 8 and 9 were disbelieved both in regard to the factum of payment of the bribe and the recovery of the money. Regarding Ram Narain, the very same witnesses were believed so far as the appellant was concerned. It is well-settled that where witnesses make two inconsistent statements in their evidence either at one state or at two stages, the testimony of such witnesses becomes unreliable and unworthy of credence and in the absence of special circumstances no conviction can be based on the evidence of such witnesses.

31. In ordinary course, the trap proceedings proposed on 22.07.2014 should have gone ahead. It shows that accused Tarsem Pal was not acting for himself rather for someone else. May be as a conduit/contractor, albeit it can not be the responsibility of a contractor to transact such things unless thrust upon him and on any contractor who wants the job. As a contractor he has to construct what has been given to him, the formalities qua the sanctioned plan is the responsibility of the owner. Why would a contractor poke his

nose in such murky affair, which construction has become in Delhi. So, was he acting on behalf of Dharam Pal? In that eventuality, which building belonging to Dharam Pal was under construction? There is no investigation on this. Then why Dharam Pal would get in to all this? The property bearing number 232, Swarn Pak has figured in the testimony of PW-2 as the main property qua which Rupees 2 lacs were offered, but that property does not belong to Dharam Pal nor was he engaged as builder/contractor by the owner. Satish Gupta PW-12 is the owner of the property No. 232, Swarn Pak Industrial Area who has not uttered a single word connecting Tarsem Pal and Dharam Pal or against them in any manner rather seems to say something negative against complainants. Then why and what for the money was offered to the complainant? All these aspects escaped the attention of the investigating agency and thus dents and jolts the case set up by CBI and in these circumstances the benefit flows to the accused persons, unless of course the flaw in the investigation is minor and does not prejudice the accused. Reference in this context may be made to the judgments in the case titled as Niamuddin Vs. State 2013 (4) LRC 116 Delhi and Kailash Gaur Vs. State 2012 (8) LRC 92 SC.

32. Another aspect which has been highlighted and sought to be brought on record is the tendency of the complainant and her husband to lodge complaints indiscriminately and then withdraw or settle them once they achieve some benefit. It has been brought on record where it has been admitted by PW-2 that complaint under the provisions of Scheduled caste and Scheduled Tribes (prevention of Atrocities) Act was lodged against Sajjan Kumar and Bijender Singh, both local politicians/Members of Parliament, which was later on

settled and withdrawn. Similar complaint was filed against local MLA Manoj Shoukeen under the aforesaid SC/ST Act. PW-1 has admitted that during her election campaign she was helped by all the senior Congress leaders including Sajjan Kumar. It has been shown that accused Dharam Pal was also a Congress functionary and was actively involved in the elections and had felicitated and helped PW-1 in her elections. Despite all this, complaints were lodged against Sajjan Kumar and others as mentioned above, as well as the present case has been mounted against accused Dharam Pal. Political acrimony or rivalry, in such circumstances, seems to be a strong possibility as to why these complaints came into being.

33. If the complainant No. 2 had genuine grievances under SC/ST Act, then there was no occasion with him to go for any compromise when the statute makes it non-compoundable. This shows that extraordinary efforts were made to have the case quashed as there was no option to settle it. There must be a very strong reason for PW-2 to go to that extent and the reason which appears in the testimony is the promise these people have made to support the PW-2/PW-1 in their political career. Incidentally, PW-1 and PW-2 both have admitted that PW-2 had lodged complaints against some other officials with CBI in the past and for that matter it has been claimed by PW-2 in a Pamphlet Mark Ex.PWE1/D3 which was circulated in local area.

34. Another contention raised on behalf of the accused persons is that the investigation made by the CBI is defective and seems to be manipulated. To highlight this aspect, it has been pointed out that the narrative qua the receipt of the complaint on

22.07.2014 in the morning does not seem to be possible as emerged in the testimony of the witnesses. There is a variation in the time as to when the call was received from accused Tarsem Pal, when PW-1 and PW-2 went to CBI office and when they came back again at their residence and when the son of accused Dharam Pal and his friend Sanjay Chaudhary, who is also a Congress leader, met the complainant and her husband. She has stated in her examination in chief dated 03.08.2016 which is reproduced hereunder for ready reference:-

“On 22.07.2014, accused Tarsempal came to our residence and met me and my husband Sh. Chhater Singh Rachhoya in my office situated on the 2nd floor of our house. He again repeated the above offer of bribe to me. When Tarsempal left our house on that day, then Sunil Lakra S/o Dharampal and one Sanjay Chaudhary, a resident of Tikri village, also came to my residence in the evening.”

“Thereafter, accused Dharampal approached me telephonically and asked me not to make such complaints against unauthorized constructions and he also offered me a bribe of Rs. 2 lacs for not making such complaints. He also told me that in case I do not make such complains, then he will also arrange payment of some bribe amounts to me from the other persons of the area engaged in such illegal constructions”.

35. The mix-up in timings is evident which raises a question mark about the initial processing. Another aspect which has been highlighted qua the defective investigation by the counsel for the accused persons is that no certificate under section 65-B of the Indian Evidence Act has been brought and annexed qua the audio and video recordings and it has not been conclusively proved as to where the transcript of the audio

recordings was prepared. As has come in the testimony of PW-1 and PW-2 and independent witnesses that the gadgets, which were brought by the CBI for the purpose of trap proceedings, were sealed at the house of the complainant itself on 23.07.2014. In such circumstances, where and when the transcript and copy of the recordings were prepared is not clear. However, it has come in evidence that transcript was prepared at the spot itself. The original apparatus on which recordings were made have not been produced either in the Court or were provided to the Experts, therefore the sanctity of the recordings becomes questionable. No personal search of the complainant Bhoomi Chhater Singh Rachhoya was conducted on 23.07.2014 during the trap proceedings as no female officer was, admittedly, there with the CBI team. This gave rise to various possibilities about the money especially when a female staff/servant of PW-1 was also there at that time. No cogent answer has been put forth by the CBI in this context, therefore the investigation becomes defective and prejudicial to the accused persons, asserted by the counsel for the accused persons.

36. In this context, on the aspect of defect in investigation, reference can be made to the judgments in case titled as **Dayal Singh v. State of Uttaranchal** 2012 VII AD (S.C.) 541 = (2012) 8 SCC 263 in which while dealing with the cases of omissions and commissions by the investigating officer, and duty of the court in such cases, it was held as under; (SCC pp. 280-83, paras 27-36)

“Now, we may advert to the duty of the court in such cases. In **Sathi Prasad v. State of U.P.**, (1972) 3 SCC 613, this Court stated that it is well

settled that if the police records become suspect and investigation perfunctory, it becomes the duty of the court to see if the evidence given in court should be relied upon and such lapses ignored. Noticing the possibility of investigation being designedly defective, this Court in **Dhanaj Singh v. State of Punjab**, 2004 IV AD (S.C.) 365 = (2004) 3 SCC 654, held: (SCC p. 657, para 5)

'In the case of a defective investigation the court has to be circumspect in evaluating the evidence. But it would not be right in acquitting an accused person solely on account of the defect; to do so would tantamount to playing into the hands of the investigating officer if the investigation is designedly defective.'

37. Reference can also be made to **Paras Yadav v. State of Bihar**, (1999) 2 SCC 126, **State of Karnataka v. K. Yarappa Reddy**, (1999) 8 SCC 715, **Ram Bali v. State of U.P.** 2004 VI AD (S.C.) 49 = (2004) 10 SCC 598, **Karnel Singh v. State of M.P.**, (1995) 5 SCC 518.

38. In **Ganga Singh Vs. State of M.P.**, 2013 IX AD (S.C.) 91= (2013) 7 SCC 278, it was observed that court should not acquit the accused on the ground that there were some defects in investigation, but if the defects in the investigation were such as to cast a reasonable doubt about the prosecution case, then the accused is entitled to acquittal because of such doubt.

39. In **Surjit Sarkar Vs. State of West Bengal**, (2013) 2 SCC 146, after referring to several earlier decisions, it has been held that deficiencies in investigation by way of omission and lapses by the investigating agency cannot themselves justify total rejection of the prosecution case and where prosecution evidence de hors such

lapses, when carefully scrutinized and evaluated, does not affect the object of finding of truth. At the same time, it cannot be accepted as a broad proposition that in no case shoddy or defective investigation would not result in acquittal. Investigation must be precise and should not be having glaring loopholes, which create doubt as to whether the offence was committed by the person charged or not. This is impermissible.

40. In view of the aforesaid legal position the defects in the investigation, which are trivial in nature and are inadvertent are required to be ignored, however, the so-called defects in the investigation are required to be analyzed and appreciated in the facts and circumstances of the case to draw inference and conclusions in the given facts and attending circumstances, that too on the broader canvas on each particular case. And where defects are prejudicial to the accused and weave such circumstances which makes the case questionable and doubtful then those defects assume significance and tilt the case against prosecution.

41. In the instant case, right from its inception, it appears to have lacuna. The complaint Ex.PW1/C categorically says that both Tarsem Pal and Dharam Pal are builders and were carrying out illegal construction and both have offered 2 lacs to stop the complainant from lodging complaints against their such construction. The verification has been made involving Tarsem Pal only and not Dharam Pal. No details of property, where construction was being carried out by them qua which money was offered, which later on in

evidence PW-2 specifies. The complaint was made on 22.07.2014 and the transcript prepared on 24.11.2014 (part of Q-1) Ex.PW1/J reflect that Dharam Pal was not even aware of the transaction and the money/bribe, if any, was to be given was to be given after Dharam Pal would leave the meeting as can be seen from the transcript wherei.e. 'koi na jab aayenge na Dharam Pal ji meeting karke wo samaan aana hai na ... jab Dharam Pal Ji wahan se chale jayenge na .. to hum wahin ruk jayenge fir usi time aa jayenge thik hai'.

42. Why no verification from Dharam Pal was made, why the property number was not ascertained and why this fact has not been ascertained that Dharam Pal and Tarsem Pal were builders or not either at the time of verification or later during investigation. Incidentally, the original date of trap was 22.07.2014 which was postponed simply because Dharam Pal was unable to come. The transcript reveals that desperation to bring in Dharam Pal was prime as the complainants were willing to wait till 10/11 P.M., but when it was finally ascertained that Dharam Pal would not come, then only the trap was postponed.

43. Admittedly, those present in the house and were coming going during the trap proceedings especially women were not searched and above all complainant's personal search was not carried out. Then again, status of the complaint being a Councilor, public servant was not ascertained at all and merely her assertion was taken on its face value, no document to show this fact is there. No evidence is there on record to establish this fact, which goes to the root of the matter and has the potential to wipe out the complaint

itself. Thus, the investigation lacks on vital aspects and no longer remains in the realm of minor or insignificant then the case of the prosecution has to suffer.

44. The other set of evidence is the digital evidence which has been heavily relied upon by the CBI/prosecution. It is asserted often that man may lie but documents don't. The evidence relied upon is within the definition of documentary evidence. Digital evidence in the form of recordings on SD cards are also documentary evidence and therefore can't be ignored rather seem more credible. The assertion of the CBI is that the audio and video recordings are enough unto itself to establish the case and in any case the video recording of the case/evidence leaves no doubt about the complicity of the accused persons in bribing the complainant in order to secure favours of not lodging a complaint qua the constructions in the Swarn Park Industrial Area ,which was the broader and larger object as can be clearly inferred from the audio and video recordings.

45. The contentions raised on the face of it are correct. The audio/ video recordings are documentary evidence and if aboveboard, then it should be believed and acted upon. The question to be looked in to is whether the digital/technical evidence is above board. In this context arguments have been raised by the defence that no certificate as contemplated by Section 65-B of the Indian Evidence Act has been furnished and that makes the evidence inadmissible. In this context, judgment in Anvar P.V. Vs. P.K. Basheer and Ors. 2014(10)SCC473 has been relied upon by both the contesting sides.

46. Ld. PP for CBI has placed reliance on the judgment titled as Arjun Panditrao Khatkar Vs Kailash Khushrao Gorantyal Civil Appeal No. 20825-20826/17 where Hon'ble Supreme Court while considering the cause celebre on Sec.65 B Evidence Act i.e. Anwar P.V. Vs. P K Basheer 2014 (10)SCC473 held that certificate U/s. 65 B of Evidence Act is condition precedent to the admissibility of electronic evidence. It says that when the original devices are not produced then there is no escape from the ambit of Sec. 65 B Evidence Act. Ld Public Prosecutor asserted that original SD cards have been produced thus, requirement of Sec. 65 B is not there and and as such, not furnishing the certificate is not detrimental to the cause/case of the prosecution.

47. Production of scientific and electronic evidence in court as contemplated under [Section 65B](#) of the Evidence Act is of great help to the investigating agency and also to the prosecution. The relevance of electronic evidence is also evident in the light of [Mohd. Ajmal Mohammad Amir Kasab vs. State of Maharashtra](#), (2012) 9 SCC 1, wherein production of transcripts of Internet transactions helped the prosecution case a great deal in proving the guilt of the accused. Similarly, in the case of [State \(NCT of Delhi\) vs. Navjot Sandhu @ Afsan Guru](#), (2005) 11 SCC 600, the links between the slain terrorists and the masterminds of the attack were established only through phone call transcripts obtained from the mobile service providers.

48. It is a settled proposition of law reiterated in the following cases viz. [Dayal Singh And Ors. vs. State of Uttaranchal](#) (2012) 7 SCALE 165, [Radhakrishna Nagesh vs. State of Andhra](#)

[Pradesh](#), (2013) 11 SCC 688, [Umesh Singh vs. State of Bihar](#) (2013) 4 SCC 360 that there is possibility of some variations in the exhibits, medical and ocular evidence and it cannot be ruled out. But it is not that every minor variation or inconsistency would tilt the balance of justice in favour of the accused. Where contradictions and variations are of a serious nature, which apparently or impliedly are destructive of the substantive case sought to be proved by the prosecution, they may provide an advantage to the accused.

49. What has come in the evidence of the Expert witnesses reflect that the digital evidence is not free from it's own complications/technicalities in nature. First of all, there is no explanation with the prosecution with regard to the date and time which appears in the video recording. Admittedly, the video recording was made on 23.07.2014 at about 8-9 P.M., but date shown in the video recording is 21.06.2013 and time appears 00:20 to 02:20. When the video recording was admittedly done on 23.07.2014, then it should reflect that date. A Court observation regarding the said anomaly in date is there qua the video recording Ex.P-11.

50. Additionally, the video recording was made in one go or single shot as has been deposed by the witnesses, but 6 different files of the said single shot recording have been found. It has been admitted by the expert that in a 'Single Shot' recording, one file would be there. In order to explain 6 files of the so-called single shot recording, prosecution has come up with the plea that due to intermittent failure of electricity, 6 files were made. It has not been shown that failure of electricity has anything to do with the video recording or that the video recording device was operated through the

power cable and not through a battery. If it was operated by battery, then there cannot be any reason or occasion to have multiple files as the recording was continuous and was not affected by failure of electricity supply. This puts a question mark on the video recording.

51. Additionally, when the expert PW-21 Sh. S. Ingersal has stated that he cannot comment as to whether the SD card, which was examined by him, is the card on which the video recording was originally made. It means that it could be a copy and if a copy has been sent for examination, then requirement of Section 65-B of Indian Evidence Act comes into play. The plea that testimony of complainant, her husband, independent witnesses and concerned CBI officials indicate that the original SD card was sealed is not going to help in view of the fact that according to PW-2 and independent witnesses all the gadgets i.e. cards etc. were packed and sealed at the place of complainant in the intervening night of 23-24.07.2014. CBI officials A.K. Maurya, Deepak Gaur both too have stated that original SD cards were sealed and transcript were prepared at the spot i.e. house of the complainant, whereas PW-2 has stated that transcript were prepared at the spot but silent qua sealing of SD cards whereas PW-1 is totally silent on both these counts. Thus, the evidence becomes shaky and no longer remains credible. The prosecution should have taken pains to establish that original SD cards were sent. In addition to above, the recording device has not been admittedly sent for examination nor the expert is in a position to say about the properties and capacities etc. of the device which was used for recording of the video footage and the audio recordings. The technical evidence in any case is corroborative in nature and cannot substitute as substantive evidence and as discussed herein before,

the substantive evidence is quite shaky. Therefore, a shaky substantive evidence has been supported by another set of shaky corroborative evidence and, thus, fails to give a complete comprehensive picture or to draw any conclusive inference in view of the attending circumstances.

52. Additionally, it has been further admitted by PW-21 S. Ingersal that the CFSL lab where he works has not been accredited under section 79-A of the IT Act. He has further admitted that softwares are available which are capable of deleting and altering the recording while transferring it from one device to other device. Single shot recording has also been explained by him in the following words “by a single shot recording, I mean to say that recording took place between switch on and switch off mode of the camera” and has further stated “it is correct that if the recording is single shot, then only one file would be created”. In these circumstances, when the possibility of alteration in recording was there, Single shot recording which should have created only one file, whereas six video files were prepared. There is a date in the video recording which again is not 23.07.2014 but reflect the date of 21.06.2013. These anomalies remain unexplained leave alone properly explained. The plea that electricity supply was disrupted during the recording has no bearing on the recording as the device was not operated by cable electricity supply. Then it has not been shown that electricity supply was disrupted on six occasion resulting into six video files.

53. The audio recording has been further challenged by the defence Counsel on the strength of the fact that alongwith the recordings, a kind of model transcript is required to be sent which

was subsequently made available to the PW-20 Dr. Rajinder Singh that too when he asked for it. The transcript which was sent to him is not part of the record, therefore the requirement to have a composition of those very words which have been used in the audio recording were there or not, is not clear whereas in view of the judgment in Sudhir Chaudhary and Ors. Vs. State (NCT of Delhi) CrI Appeal No700-701/2016 decided by Hon'ble Supreme court, it is required to have such a transcript provided to the expert alongwith audio recordings apart from the fact that sentences from the inculpatory text should not be used rather a composition of the words used in the inculpatory text should be there but arranged and used differently.. He has also stated that original recording device was not sent to him for inspection, therefore he is unable to say if the memory/SD cards examined by him contains direct recording or copy of the recording created using some other device. This brings in the requirement of the certificate under section 65-B of the Indian Evidence Act especially when the CBI is unable to bring it on record cogently that the original recordings were sent for examination. PW-20 Dr Rajinder Singh too has admitted that the CFSL was not recognized/accredited and notified under section 79-A of the IT Act. This, however, does not put a question mark about the Expert being an Expert or his capability and to give opinion in a particular matter. An expert remains an expert due to his qualifications, experience and expertise. Section 293 Cr.P.C. even provides that expert's of a particular status, need not depose in Court and their report is admissible as it is unless Court requires the Expert to depose in Court. However, the subject matter which has been examined in the present case was questionable but expert has seemingly properly examined the objects/ devices made available to them with

appropriate method. In such circumstances the report of the expert can be looked in to and relied upon. But the device through which recordings were made have not been made available to experts, possibility of alteration being there in view of six video files instead of one file and non-availability of the model transcript makes the whole issue questionable. The death knell to the prosecution's case on the aspect of video recording has been sounded by PW-1 by deposing as under:-

“On being asked by the court, the witness has also stated that the same were audio recording devices only and not video recordings and the recordings which were played before them by the CBI officials were also the audio recordings only”. Here she does not talk about any video recording at all indicating that no video recording was made, as had it been there then it would too have been played and she could have seen it.

54. The pre-requisites of proving a tape recorded conversation/digital record have been spelt out by the Hon'ble Supreme Court of India in Ram Singh Vs. Col. Ram Singh 1985 Supp. SCC 611 in the following words:-

- (1) the voice of the speaker must be identified by the maker of the record or by others who recognise his voice. Where the voice is denied by the maker it will require very strict proof to determine whether or not it was really the voice of the speaker.
- (2) The voice of the speaker should be audible and not distorted by other sounds or disturbances.
- (3) The accuracy of the tape recorded statement has to be proved by the maker of the record by satisfactory evidence.
- (4) Every possibility of tampering with or erasure of a part of the tape recorded statement must be ruled out;
- (5) The statement must be relevant according to the rules of evidence and
- (6) The recorded cassette must be carefully

sealed and kept in safe custody.

55. Thus, it is evident that the technical evidence which has been highly relied upon by the prosecution, in conjunction with the testimony of PW-1, PW-2 and two independent witnesses, is not above board and cannot be relied upon to record a finding in favour of prosecution.

56. Incidentally, so far as accused Dharam Pal is concerned, he was not sent up for trial by the CBI itself, therefore in view of the facts and circumstances, neither accused Dharam Pal nor for that matter accused Tarsem Pal can be held accountable. Both of them are given the benefit of doubt and both stand acquitted of the charge. Bail bonds discharged. Compliance of section 437-A Cr.P.C. be made.

57. The exhibits be destroyed after the expiry of period of appeal. The currency notes have since been not claimed by anyone thus the same be deposited in State Treasury. File be consigned to Record Room.

**Announced in the open Court on
06th day of August, 2020**

**(VIMAL KUMAR YADAV)
Special Judge (PC Act) CBI-01
RACC/Delhi/06.08.2020**