

**CC No. 118/2019**

**CBI VS. V. K. JOLLY & ORS.**

**30.09.2020**

**Matter has been taken up through video conferencing hosted by Sh. R. C. Verma, Reader of this Court pursuant to the directions received from the Hon'ble High Court vide Order Nos. 26/DHC/2020 dated 30.07.2020 & 322/RG/DHC/2020 dated 15.08.2020 and in compliance of order bearing No. 417/RG/DHC/2020 dated 27.08.2020.**

Present: Sh. Om Prakash Ld. PP for CBI.

A-1 V. K. Jolly in person.

A-2 D. K. Malhotra alongwith Sh. I. D. Vaid Advocate.

A-3 Bhupinder Singh alongwith Sh. V. K. Kalra Advocate.

Matter was at the stage of final arguments.

On request, put up for further arguments if any on **21.10.2020**.

In the meantime, Ahlmad is directed to get the case file scanned. This order be uploaded by the Reader on the official website.

**AMIT**  
**KUMAR**

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AMIT KUMAR

Date: 2020.09.30  
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(AMIT KUMAR)  
Special Judge, PC Act, CBI-04,  
RADDC/ND/30.09.2020

**RC DAI 2020-A-0027/ACB/CBI/N. Delhi  
U/s 120B of IPC and Section 7, 7A of PC Act.  
CBI VS. Anil Kumar (Sonu as named in FIR).**

**30.09.2020**

**Bail application is taken up today for physical hearing in the Court in terms of Office Order No.417/RG/DHC dated 27.08.2020 and Circular issued by Ld. District & Sessions Judge cum Special Judge (CBI), RADC, New Delhi, regarding Duty Roaster of Judicial Officers and Modalities in respect of physical hearing bearing No. E-10559-10644/Power /Gaz./RADC/2020,dated 28.08.2020 and No. E-1027-11013/Power/Gaz./RADC/ 2020, dated 30.08.2020 respectively.**

Present: Sh. Om Prakash Ld. PP for CBI alongwith Inspector Shyam Rai.  
Sh. Virender Kumar, Sh. Malay Swapnil and Sh. R. B. Sharma,  
Ld. Counsel for the applicant/accused Anil Kumar.  
Arguments heard on the bail application.

The facts in brief as per case of the investigating agency are that applicant acting as conduit for co-accused Anil Kumar Meena, demanded and accepted bribe from complainant for laying lantern in his property.

It is argued for the accused that he is neither a government servant and nor an associate of main accused Anil Kumar Meena JE, MCD and has been falsely implicated in this case by CBI in collusion with the complainant and is in JC since 04.09.2020. No custodial interrogation was done and applicant is no longer required for any investigation and further no recovery has been made from his home to believe the story of the investigating agency. The applicant is purely a private person and has no concern whatsoever with accused Anil Kumar Meena and he is sole bread earner of his family and since last 26 days there is none to support his family. It is also submitted by the Ld. Counsel that main accused Anil Kumar has already been released on bail on 18.09.2020 on merits and applicant is entitled for bail even on grounds of parity.

Ld. PP for the CBI on the other hand has argued that applicant has different role as that of co-accused Anil Kumar Meena as he was caught red handed while accepting the bribe from the complainant on 04.09.2020 and it is he only who demanded the bribe at the office of the complainant and there is no

reason to release him on bail as there exist no parity between him and Anil Kumar Meena and further he can influence the witnesses and tamper with the evidence at the stage of investigation.

Admittedly, the applicant is in JC since last 26 days and no police custody was sought and is no longer required for interrogation. The co-accused Anil Kumar Meena for whom the applicant accepted the bribe if any, has already been released on bail. There is no reason to keep him in custody only on general allegations that he can influence the witnesses or tamper with the evidence. No material has been placed on record by the investigating agency to support this claim. Otherwise also, the same can be controlled by the Court by passing appropriate directions. In facts, the applicant is admitted on bail on his furnishing PB of Rs.50,000/- with one surety like amount to the satisfaction of Ld. Duty Magistrate on duty at concerned Central Jail. The applicant shall not make any effort to contact or influence the witnesses and the surety and the applicant shall provide their mobile numbers and shall keep the mobiles always in ON position so that they can be contacted by the investigating agency as and when required.

With these observations, application stands disposed off. Digitally signed copy of the bail order be sent to the computer branch, RADC, for uploading it on the official website of Delhi District Courts. Copy of this order be dasti as requested.

AMIT  
KUMAR

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(AMIT KUMAR)  
Special Judge, PC Act, CBI-04,  
RADC/ND/30.09.2020

**IN THE COURT OF AMIT KUMAR, SPECIAL JUDGE,  
(PC ACT), CBI - 04, ROUSE AVENUE COURT, NEW DELHI**

**CC No. 116/2019  
R.C. No. 27(A)/12/CBI/ACB/ND  
CNR No. DLCT11-000516-2019**

**CENTRAL BUREAU OF INVESTIGATION**

**VERSUS**

**RAJ MAL KHOKHAR  
S/O LATE SH. MANGE RAM KHOKHAR  
R/O VILLAGE & P.O. KANSALA,  
DISTT. ROHTAK, HARYANA.**

**PRESENTLY AT:-  
R/O FLAT NO. 3, SECTOR-16,  
ROHINI FIRE STATION, NEW DELHI.**

<b>DATE OF INSTITUTION</b>	<b>:23.01.2013</b>
<b>DATE OF ARGUMENTS</b>	<b>:24.09.2020</b>
<b>DATE OF JUDGMENT</b>	<b>:28.09.2020</b>

**JUDGMENT**

**1.** Present case was registered on the complaint of Sh Vijay Pal Singh, owner of Hotel Royal Miraj, Rani Bagh, Delhi against accused Raj Mal Khokhar, Assistant Divisional Officer, Delhi Fire Service and it was mentioned in the complaint that there exist a hotel licence in the name of one Vijay Kapoor and the complainant applied

for transferring the said licence in his own name. ACP (Licensing) wrote letters to various departments including fire department and the said letter written to fire department was marked to accused by his Incharge and the accused demanded bribe of Rs 1.5 lakhs for giving clearance of fire department for the above matter. The complainant did not want to pay the bribe and reported the matter to CBI. This complaint was duly verified in the presence of two independent witnesses. On 04.08.2012 the verification proceedings were conducted and the complainant contacted the accused on his mobile and the said call was simultaneously recorded in the DVR heard by independent witnesses. In furtherance to this verification memo, the complainant came to CBI office on 07.08.2012 and the trap proceedings were conducted on 07.08.2012. The complainant again spoke to the accused on phone and from the conversation it revealed that there was a demand of illegal gratification of Rs 1.5 lakhs by the accused. In that conversation the accused directed the complainant to meet him at 4.30 PM at Hotel Miraj with bribe money of Rs 1.5 lakhs. The complainant could arrange Rs 50,000/- only and those notes were treated with phenolphthalein powder arranged by the CBI team and thereafter the trap team proceeded towards and reached Hotel Miraj. At about 4.30 p.m.

accused arrived at Hotel Miraj in his official vehicle driven by official driver and entered the hotel and then came to the cabin of the complainant and accepted the demanded bribe amount of Rs 50,000/-. The trap team immediately apprehended the accused and seized the treated currency notes and tallied the same with the numbers of the notes in the handing over memo and the right hand and left hand wash of the accused and envelope wash were obtained in sodium carbonate and water solution which turned into pink. The digital voice recorder containing the conversation was also seized. All the further formalities were completed by the CBI team, samples were sent to FSL laboratories. After completion of the other formalities present charge sheet was filed against the accused for committing the offence punishable u/s 7 and 13(2) read with 13 (1)(d) of the PC Act. My Ld. Predecessors took the cognizance of these offences vide order dated 23.01.2013 and accused was accordingly summoned and copies were supplied to him. After completing the formalities, arguments on charge were heard and vide detailed order of 06.03.2014 charges for the offences punishable u/s 7 and 13 (2) read with 13(1)(d) of the PC Act were framed against the accused on 20.03.2014 who pleaded not guilty and claimed trial. The prosecution to prove its case examined 19

witnesses. Statement of the accused u/s 313 Cr.P.C was recorded on 03.04.2018. Accused examined three defence witnesses including himself to prove his defence.

**2.** The witnesses of the prosecution can be divided into three categories. The FIRST category being the technical/formal witnesses.

**(I) Technical/Formal witnesses**

PW-1 is Sh. V.B. Ramteke Sr. Scientific Officer, CFSL who proved the left hand wash and right hand wash of the accused and envelope wash collected during the trap proceedings on 07.08.12 and gave his report dated 22.08.12. As per his report these exhibits contained phenolphthalein powder. In the cross examination he denied the suggestion that seal of the bottles were tampered or broken.

PW-2 is Sh. Rajnish Garg, the ACP (Licensing) who stated that he was looking after the charge of licenses pertaining to hotels and restaurants and pass order dated 26.06.2012 vide which the guest house license in the name of Vijay Kapoor of Hotel Miraj was cancelled and he informed Deputy Commissioner, Rohini Zone MCD regarding

this cancellation and further that Sh Vijay Pal Singh(complainant) had applied for fresh license for Hotel Miraj and he also requested Deputy Commissioner concerned to examine its eligibility and also sent letters to Chief Fire Officer, Delhi Fire Services for NOC. In the cross examination he admitted that NOC granted by Delhi Fire Service for running a hotel is valid for three years. The copy of order dated 26.06.2012 passed by him was sent to Delhi Fire Service for information only. The certificate dated 04.04.2011 of Delhi Fire Service for running Hotel Miraj guest house was valid for three years.

PW-3 is Sh. A.K. Sharma, Deputy Secretary (Home), Govt. of NCT who proved on record the sanction for prosecution of accused granted by Hon'ble Lt. Governor of Delhi which was issued by PW3 under his signatures. There is nothing in his cross examination to find any irregularity or illegality in the sanction order nor the same has been disputed during trial.

PW-4 is Sh. Ashok Sharma, ACP (Licensing unit) in the year 2012 who proved on record the file of Hotel Royal Miraj containing 51 pages available in his office. Nothing relevant has come in his cross



examination.

PW-6 is Dr. Subrat Kumar Choudhury, another scientific officer who examined the CDs titled Q1 and Q2 containing the questioned recording between the complainant and the accused with the specimen voice of the accused contained in admitted CD mark S1 and gave his report dated 07.09.12 in this regard. In the cross examination he admitted that all the recordings were in digital form and anyone can edit the digital recording but clarified voluntarily that during examination no alteration was found. He ruled out the possibility that any editing or tampering in the recording can go unnoticed or unidentified during examination. He also clarified that tampering or editing in digital recording in CD is possible without being detected but this position existed few years back but not now. He denied all the suggestion of preparing a false report at the behest of CBI officials.

PW-8 is Sh. Santokh Singh, Chief Fire Officer, Delhi Fire Service, HQ, Connaught Place and stated that he has seen the file pertaining to Hotel Royal Miraj Guest house and the note sheet bears his signature. He recommended approval of Fire Safety Certificate of

Hotel Miraj and sent the file on 04.04.2011 to Director DFS and fire safety certificate valid for three years w.e.f 31.03.2011 was issued in this regard. There is no cross examination to this witness.

PW-10 is the Nodal Officer from Vodafone, who produced the CDR of mobile nos. 9811339002 in the name of accused and proved on record the CDR Ex. PW-10/A and the call details as PW-10/A1 and 65 Certificate as Ex. PW-10/A2 and the Customer Application Form as Ex. PW-10/A3. There is no cross examination.

PW-12 is the Nodal Officer from Bharti Airtel, who produced the records of mobile no. 9818391063 in the name of complainant Vijay Pal Singh and proved on record the CDR and CAF application of this mobile number. In the cross examination, he stated that as per record, a call was made by the accused to the complainant on 30.07.2012 at 1315 hrs. for 148 seconds and on 07.08.2012 a call was made by the complainant to another mobile number 9650394847 at 1614 hrs. for about 2 seconds.

PW-14 is the Director, Delhi Fire Service, who issued the

Fire Safety Certificate in favour of Royal Miraz Guest House, dated 04.04.2011 already Ex. PW-8/2. In the cross examination, witness mentioned that this certificate was valid for 3 years but he does not if it was ever revoked before 3 years.

PW-15 is the Divisional Officer (West), Delhi Fire Service, who identified the letter dated 26.06.2012, vide which it was informed that the guest house and the licence in the name of Royal Miraz Hotel had been surrendered by its owner and the said letter was marked to accused. In the cross examination, he admitted that this letter was only for information and the Fire Safety Certificate already issued was valid for 3 years and during the validity of fire safety Certificate, no fresh licence /NOC is required.

PW-18 is the then Superintendent of Police, ACB, CBI, New Delhi, who marked the complaint against the accused to SI Alok Kumar for verification and thereafter, after receiving the verification report ordered for registration of FIR and during investigation forwarded various letters to CFSL with exhibits. In the cross examination, he stated that he himself discussed the matter with the complainant after

receiving the complaint and was satisfied regarding the correctness of complaint. The date, time and place of the demand of bribe was not mentioned in the complaint. He denied the suggestions that there was no case of demand of bribe by the accused or that he mechanically acted on the false complaint against the accused.

**(II) The second set of witnesses are of verification proceedings dated 04/08/2012:**

PW-5 is the independent witness, who joined the verification proceeding on 04.08.2012 and was called to CBI office along with the other independent witness PW-16. At CBI office, he was introduced to the complainant by SI Alok and thereafter his sample voice along with that of PW-16 was recorded in Digital Recorder and complainant was asked to make a telephone call from his mobile to a person with directions to keep the mobile phone on speaker mode. The complainant spoke to the person on other side regarding money and the other person replied that he was going out of station and will meet some other day. This said conversation was recorded in DVR and thereafter was transferred in a CD, which was duly sealed and seal was

handed over to PW-16 and the said proceedings were duly signed by him, PW-16 and complainant, which was Ex. PW-5/A. After 2-3 months, he was again called to CBI office alongwith PW-16 and the transcript of the said conversation was recorded bearing his signature on Memo Ex. PW-5/C and the transcription Ex. PW-5/D. In the cross examination, he stated that he was not aware about the voice of the accused and his statement with regard to the voice of accused was based on the information given by SI Alok. He further stated that during the conversation, complainant told the suspect that he want to give money to him, but the suspect replied that he is going out of station and will meet some other day. He denied all the suggestions of no proceedings being conducted regarding verification proceedings in his presence.

PW-16 is the second independent witness of the verification proceedings, who deposed that on 04.08.2012, he alongwith his colleague PW-5 was called at CBI office, where one SI introduced them to the complainant and further told that complainant had made a complaint regarding demand of money. His voice alongwith that of PW-5 was recorded in a DVR and thereafter,

complainant was asked to make a call to Rajmal Khokhar (accused herein) from his mobile with speaker mode and in that conversation, complainant told accused that he has to give something to him, on which accused replied that he is busy on that day and will come on some other day. The said recording was sealed in his presence and later on, he visited the CBI office when transcription of the said conversation was made. He identified all the concerned documents, CD and Transcript already proved by PW-5. In the cross examination, he is stated that he does not know accused nor ever met him nor recognize nor identify his voice. During that conversation, accused never demanded any money.

PW-7 is SI Alok Kumar, who conducted the Verification Proceeding and stated that on 03.08.2012, SP CBI, handed over one complaint to him for verification. He discussed the matter with the complainant and decided to conduct the verification proceeding on 04.08.2012 as it was late evening on 03.08.2012 and independent witness could not be arranged. He requested the Duty Officer to arrange two independent witnesses at 10.00 am on 04.08.2012 and on the next day, two independent witnesses PW-5 and PW-16 as well as

complainant reached CBI office. The complaint was shown to independent witnesses and they were explained about the complaint. Thereafter, Sony make DVR alongwith blank CDs were arranged from the Caretaker and after showing the blankness, the voice of independent witnesses were recorded and the complainant was asked to make a call to accused from his mobile on speaker mode. During the conversation, complainant discussed the matter of bribe of 1.5 lacs to the accused. This conversation was recorded. Thereafter, conversation was transferred in the blank CD which was duly sealed and the seal was handed over to PW-16. He prepared Verification Memo already Ex. PW-5/A. Thereafter, he collected the subscriber detail record of the mobile number of the accused, which were made available on 07.08.2012 and thereafter, he submitted his report to SP, recommending registration of case. In the cross examination, he stated that complaint was marked to him at around 4-5 pm on 03.08.2012. He interrogated the complainant on that day itself and complainant explained regarding the hotel licence and fire clearance certificate and also told that accused came to his hotel and told that licence will be transferred in his name only after bribe of 1.5 lacs. Complainant also told that accused came to his hotel 2-3 days prior to 03.08.2012. He

denied the suggestions that he did not verify the allegations of the complaint properly or that there was no confirmation of demand of bribe during the conversation dated 04.08.2012 or that he prepared verification report on 07.08.2012 after a gap of 3 days only to cover up the lacunas.

Complainant is a witness of verification proceedings well as trap proceeding and as such will be discussed later.

**(III) The third set of witnesses are off trap proceedings including the complainant PW-9:**

The complainant appeared as PW-9 and in his examination in chief mentioned that he being the owner of hotel Royal Miraj gave this hotel on lease to only Vijay Kapoor, who left the hotel and the complainant again started to run the hotel for which he applied for licence to DCP Licensing, who sought NOC from various Departments including fire. Accused demanded 1.5 lacs for giving NOC of the Fire Department and he made a complaint regarding bribe to CBI, Ex. PW-7/A dated 03.08.2012. After 2-3 days of the complaint, CBI officer



recorded telephonic conversation between him and the accused. Accused asked about the money during that conversation, which was also witnessed by two independent witnesses. After this complaint, one day trap was laid and he was called at CBI office. He made a call to accused from CBI office from his mobile and complainant told the accused that he is going to Chandigarh and will collect money from the son of the complainant from the hotel. Accused told that he would come to hotel at around 4-4.30 p.m. and will collect the money. He arranged Rs.50,000/- and chemical was applied on those currency notes and their serial numbers were also noted and currency notes were handed over to him, which he kept in the left side front pocket of his pant in an envelope. Two independent witnesses also joined the proceedings. One independent witness was directed to remain with him and while the other remained with CBI team. The conversation between him and the accused was also recorded. At about 2.45-3.00 pm, they left CBI office for his hotel at Rani Bagh and one independent witness sat in his car and while the other witness sat with the CBI team in official vehicle. After reaching the hotel, he alongwith independent witness, who posed as his accountant sat in the office of the hotel and after 5-7 minutes, accused reached the hotel and came to the office

straightaway. Complainant asked the waiter to bring some cold drink and then the complainant took out the envelope containing currency notes and kept it on the table. Immediately, CBI officials came in and grapped the accused. Hand wash of the accused was obtained as he had taken the money in his hand, but had not kept in his pocket. He does not recollect about the recording of the conversation, if any, at the office. Vehicle of the accused was also searched from which, number of files and money was recovered. The witness duly identified the bribe amount shown to him in the Court as well as the transcript of the conversation between him and the accused. In the cross examination, he stated that he is running hotels outside Delhi also and was former President of Congress Unit at Chandigarh. He earlier applied for a hotel licence in 2011 and also moved an application dated 22.02.2011 with Director, Delhi Fire Service to give NOC for issuing licence by the DCP Licensing and this NOC dated 04.04.2011 was valid for 3 years from 31.03.2011. None had asked for any money nor did he make any money while obtaining earlier NOC. He never received any communication from Fire Department regarding revocation of this NOC. He does not remember the exact date and month, when the accused met him in his hotel in 2011. His hotel has CCTV cameras. He went to

CBI office on 03.08.2012. He had met accused about 20-25 days from 03.08.2012. He can not tell the exact date when accused met him twice before 03.08.2012, but it was in the month of July, 2012. Accused demanded Rs.5 lacs in the first meeting, but reduced his demand to Rs.1.5 lacs in the second meeting held prior to 03.08.2012. The money was demanded for giving clearance of Fire Department. There were 8-10 calls between him and accused prior to 03.08.2012 of which 5-6 calls were made by the accused and 2-3 calls by him. He does not remember if accused had picked the said envelope containing the currency notes. He denied all the suggestions of falsely implicating the accused or that there was no demand of bribe by the accused.

PW-11 is the independent witness of Trap Proceedings, who joined the trap proceedings dated 07.08.2012 at CBI Office, where he was introduced to the complainant and was also made to go through the complaint. The complainant arranged Rs.50,000/-. The said money was treated with some chemical by CBI and accused kept that money in the right pocket of his pant. He was instructed to hand over this money to the concerned person, on demand. His duty was to accompany the complainant and overhear the conversation in the

transaction between the complainant and the suspect. He sat in the vehicle of the complainant and reached hotel Miraj at around 3.30 pm and sat in the cabin in the office of the hotel, where accused reached around 4 pm and thereafter, complainant handed over the envelope to the accused and asked him to count by saying "GIN LO" to which accused replied "KOI BAAT NHI" and kept the envelope in his hands. Complainant gave missed call to CBI officers, who came in the cabin and confronted the accused. Hand wash of the accused was obtained and the said water turned reddish and said solution was kept in bottles, which were sealed, but he does not recollect the numbers of bottles. The witness identified all the exhibits including currency notes, bottles containing handwash of accused and the transcript cum voice identification memo. In the cross examination, witness stated that he reached CBI office on 07.08.2012 at around 1.30 pm, he did not had any conversation with the complainant on 07.08.2012. He admitted that the date, time and place of the demand was not mentioned in the complaint nor in the verification proceeding. No Phenolphthalein Powder was applied on the envelope. Currency notes were kept in the right pocket of jeans of the complainant by the IO Pankaj Bansal. Digital Recorder was given to him and he kept the digital recorder on

the table in the cabin of the hotel. The complainant was carrying his mobile phone with him. He can not say if the complainant put the currency notes from right pocket to left pocket of his pant or he had put the same on the dashboard of the car. He can not say if the door of the cabin had a transparent glass door. Accused came at around 4.30 pm. Neither he nor complainant shook hands with the accused. Accused was alone when he entered the cabin. Complainant had gone outside the cabin to receive the accused, whereas he remained in the room. He can not say if complainant shook hands with the accused outside the room or complainant met to other person accompanying the accused. When accused entered the cabin, one other boy was also present in the cabin. The complainant took out the money from the right pocket of his pant and was handed over the same to accused, who asked the complainant to put the money in the envelope. Accused did not make any demand from the complainant in his presence. The CBI officials had caught hold the wrist of the accused. By that time, complainant had placed the money on the table in an envelope. He does not recollect the make of the voice recorder. The DVR was not in sealed cover when it was shown to him on 07.08.2012 at CBI office. He was not aware with the voice of the accused at that time, but now

he can identify his voice. The complainant and accused spoke for about 10 minutes on the mobile. He denied the suggestions that accused did not ask for any money, nor took any money nor touch any money in his presence and all the recordings and transcript are factually incorrect.

PW-13 is the second independent witness of Trap Proceedings dated 07.08.2012, who almost supported the deposition of PW-11 and stated that he alongwith CBI official reached at the hotel in his official vehicle and the complainant with PW-11 went in the hotel, whereas he alongwith TLO and other CBI team took position outside the hotel. After sometime, a gypsy came and one person got down from the same, and entered the hotel, who was accused. After sometime, TLO rushed inside the hotel indicating all of them to follow him and at the hotel TLO introduced himself to accused and confronted the accused. The envelope containing money was lying on the table. The left hand and right hand wash of the accused, were obtained and washes were kept and sealed in bottles. He was asked to tally the currency notes serial numbers, which duly tallied. The gypsy of the accused was also searched, from which Rs.3 lacs and file of Hotel

Miraz was recovered and thereafter all the formalities were completed. This witness also identified all the exhibits shown to him in the Court. In the cross examination, he stated that he met the complainant for the first time at CBI office on 07.08.2012. He does not know if complainant met accused outside his cabin or they shook hands as he was standing outside the hotel. He saw accused alighting from the gypsy and he was not accompanied by two persons while entering the cabin. He is not sure if CCTV cameras were installed in the cabin. TLO rushed in the hotel after about 15-20 minutes of accused reaching there. He entered the cabin immediately after TLO. The money was lying on the envelope which was on the table. He did not meet or see Rakesh Kumar or Narender in the cabin or hotel Miraz. He denied all the suggestions of deposing falsely and at the instance of the CBI.

PW-17 is the TLO, who took over investigation after registration of FIR on 07.08.2012 and constituted a trap team with PW-11,13 and complainant. He duly supported the prosecution case in his examination in chief and also proved and identified all the exhibits and documents during his deposition. In the cross examination, he stated that he does not know why the FIR was registered on 07.08.2012

though the complaint was of 03.08.2012 and verification was done on 04.08.2012. The independent witnesses were arranged by Duty Officer. He came to know on 07.08.2012 only some officer of Fire Department was demanding a bribe of Rs.1.5 lacs from the complainant for clearance of file. Inspector Shitanshu Sharma applied phenolphthalein powder on the currency notes. They left the CBI office at 3.15 pm. The currency notes were put in the right side pant pocket of the complainant by PW-13. The complainant was instructed to give signal or make a phone call after the amount was handed to accused. He did not know the mobile number of the complainant. He did not notice any CCTV Camera in the hotel. The DVR instrument was given to the complainant after currency notes were given to him. The accused reached the hotel at around 4.30 pm with two other persons in a gypsy. The cabin had a transparent glass door opening towards the hall of the hotel. The two persons, who had come with the accused, did not enter the cabin. He did not overhear the talks of the cabin. The amount was lying on the table, when he entered the cabin. The accused was not made to touch the table, where the bribe amount was lying after he was apprehended. He denied all the suggestions faulty biased investigation.



PW-19 is the Investigating Officer, who took over the investigation and collected the FIR, handing over memos, recovery memos, verification memos and also collected all the reports from CFSL and prepared transcription of Verification memo, pre-trap and post trap conversation and recorded statements of the witnesses under Section 161 Cr. P. C. and thereafter filed the charge sheet. In the cross examination, he is stated that he does not remember when he took over the investigation. No certificate under Section 65B of the Evidence Act was given to him when the investigation was transferred to him. He denied the suggestion that he is intentionally avoiding answers to certain relevant questions or giving evasive replies just to convict the accused. He denied suggestion of false case against the accused.

**3.** In the statement of the accused recorded u/s 313 Cr.P.C he stated that he did not demand any bribe nor accepted any bribe from the complainant. No work qua the premises of Hotel Miraj was pending before him or fire department. No video recording of CCTV footage of Hotel Royal Miraj has been placed on record. The Fire Safety

Certificate of this hotel was valid for three years and was never revoked by Delhi Fire Department and he has been falsely implicated in this case. Accused examined three defence witnesses including himself.

4. DW-1 is the nephew of the accused and stated that on 07.08.2012 he alongwith accused came to Hotel Miraj to take cold drinks and there one Uncle met the accused and shook hands with him and took them to his cabin alongwith the driver of the accused. There again the said Uncle shook hands with the accused and had offered cold drinks and thereafter that person put some money on the table and asked the accused to count that money. The accused replied that he will not take any money and soon thereafter two persons entered the cabin and stated that they are from CBI and asked the accused to stand up and asked this witness and the driver to sit in the hall. Accused was also asked to place his hands on the table. He alongwith the driver sat in the hall for about two or two and half hours and his signatures were obtained by CBI on some papers. In the cross examination by Ld PP he stated that he does not remember the exact time when they reached Hotel Miraj. He did not make any complaint to police that CBI officials had taken away his uncle. He denied the

suggestions of Ld PP that accused alone went to the cabin of the complainant and demanded and accepted bribe of Rs 50,000/-.

**5.** DW-2 is the official driver of the accused and deposed similarly on the lines of DW1. In the cross examination he stated that he remained at Hotel Royal Miraj till about 10-11 PM. Rupees Three Lakhs were recovered from the government gypsy used by accused by the CBI officials and he does not know to whom the said amount belonged but it was not his money. He was not pressurized in any manner by CBI and what was done was voluntarily and without any pressure. He denied the suggestions that accused was caught red handed while receiving the bribe from the complainant.

**6.** DW-3 is the accused himself who stated that he was working as Assistant Divisional Officer, at Wazirpur Sub-Division at Moti Nagar Fire station in Delhi Fire Services and in March 2011 received an application for Fire Safety Certificate of Hotel Royal Miraj. He carried out inspection of the premises and submitted the report and thereafter Fire Safety Certificate for the premises valid for three years was issued. This certificate was never cancelled. In July 2012 he received another

letter forwarded by DCP (Licensing) to Deputy Commissioner, MCD, Rohini Zone and was marked to Delhi Fire Services for information only and no work was to be carried out by the fire department. On 07.08.2012 he received a call from the complainant wherein complainant wished to meet the accused and accused told him that he will meet after 3.30 or 4 PM and at 3.45 PM he left for Hotel Miraj in official vehicle alongwith the driver and nephew (DW1 and DW2). They all three entered the hotel and met complainant in the lobby and shook hands and thereafter complainant led them to his cabin. Complainant asked for refreshment etc. and thereafter took out a bundle of notes from the drawer of his table and put the same on an envelope lying on the table and by gesture asked the accused to pick the money. After some time complainant asked him to count the money to which accused replied that by counting it will not change and whatever the amount is will remain the same. Accused thereafter asked the complainant to keep the money in envelope and keep the same with himself in the presence of his driver and nephew. Accused did not touch the money nor counted the money. After a while 3-4 persons entered the cabin and asked the accused whether he had taken the money to which accused replied that he had not demanded any money

nor accepted the money nor touched the money. Thereafter, those persons put the hands of the accused on the table and searched the accused. They asked him to wash hands in bottle and after washing the hands the colour of the water remained as it was and thereafter accused was involved in this case.

In the cross examination accused admitted that he was using mobile no. 9811339002 on 07.08.2012. He did not go to the hotel for any official work. He admitted that for getting a licence of a commercial hotel NOC is required from fire department. He admitted that as per Ex. PW2/B which is page 1 of document 11 the ACP (Licensing) Delhi Police cancelled the lodging licence of Hotel Miraj which was valid upto 31.03.2012 and the copy of this order was sent to Vijay Kapoor (tenant of complainant) and to Delhi Fire Services. He admitted that during search of his official vehicle file of Hotel Miraj was recovered from his official vehicle. He admitted that he was the inspecting officer in the present case of Hotel Miraj. He admitted that his left hand and right hand washes were taken by CBI and same were put in bottle and sealed. He however, denied the suggestion of demanding and accepting of bribe from the complainant.

**7.** It was argued for the accused that the prosecution could not establish three relevant facts (1) any official work pending before the accused relating to the complainant (2) any demand by the accused from the complainant and (3) acceptance of bribe by the accused.

**8.** It was argued in detail that section 7 of the PC Act is not proved as no official work was pending before the accused on the date of the complaint. The letter was sent to Delhi Fire Services only for information and not for any action. The Fire Safety Certificate in the name of Hotel Miraj was valid for three years upto 04.04.2014 and therefore was no requirement for obtaining any fresh fire safety certificate. The witnesses admitted that this fire safety certificate was never revoked. Complainant himself applied for licence on 21.02.2011 which was valid for three years and no fresh application was required. It is argued that the letter written to Delhi Fire Office was only for intimation and no work was pending before the accused. It was argued that complainant admittedly was running various hotels throughout India and was aware about the procedure of obtaining fire safety certificate and licence of running hotel and will not pay bribe for no

work.

**9.** On the second argument of demand it was argued that the complaint given to CBI is silent regarding the date, place and manner in which the alleged demand was made by the accused and there is only a bald statement of demand of Rs 1.5 lakhs. Even in the statement of the complainant recorded u/s 161 Cr.P.C there is no mentioning of date, time and mode of demand. If there was any demand then why the complaint was not lodged immediately and the delay in lodging the complaint shows that it is false case. The CBI withheld the CCTV footage of the said hotel to prove its case which was the best evidence as the same would have proved that there was no demand or acceptance by the accused. Both the witnesses of the verification proceedings stated that there was no demand by the accused during the entire conversation which proves the case of the accused. The transcript of the said conversation is only a secondary evidence and otherwise is hit by lack of certificate u/s 65B of the Evidence Act and cannot be considered. The original DVR used to record alleged conversation was never produced in the court. The verification memo was prepared on the basis of inference only but there was no demand

and CBI could not prove the demand.

**10.** For the third argument for lack of acceptance, it was argued that there was no acceptance on the part of the accused. The complainant and the punch witness stated that money was put on the table and as per CBI case accused pick the money from the table and left it again on the table and there are material contradictions in this regard in the statement of complainant and the witnesses as to where the money was kept by CBI after treating it with phenolphthalein powder. The CBI deliberately did not make DW1 and DW2 as witnesses. The TLO entered the cabin prematurely. There is contradiction in the statement of the witnesses as to who was having the DVR and who switched it off. The defence witnesses clearly proved that there was no demand nor acceptance on the part of accused and there is no reason to disbelieve them. The CFSL report regarding the conversation between accused and complainant alleged to be recorded is only probable and not conclusive and is only a corroboratory evidence and cannot be considered. Ld defence counsel in support of his arguments has relied upon the following judgments:-



- 1. B. Jayaraj v. State of Andhra Pradesh (2014) 13 SCC 55**
- 2. C. Sukumaran v. State of Kerala (2015) 11 SCC 314**
- 3. State through CBI v. Dr Anup Kumar Srivastava (2017) 15 SCC 560.**
- 4. P. Satyanarayana Murthy v. District Inspector of Police, State of AP and Anr. (2015) 10 SCC 152**
- 5. Anvar P.V. v. P.K. Bhasheer and others, (2014) 10 SCC 473**
- 6. T.K. Ramesh Kumar v. State through Police Inspector of Bangalore (2015) 15 SCC 629**
- 7. C.M. Girish Babu v. CBI Cochin (2009) 3 SCC 779**
- 8. Suresh Kumar Lakra and Others v. CBI 2019 SCC Online Del 7923: (2019) 259 DLT 692**
- 9. S.K. Bhatia v. CBI 2019 SCC Online Del 9705**
- 10. Sujit Biswas v. State of Assam**
- 11. Mukhtiar Singh v. State of Punjab (2017) 8 SCC 136**
- 12. CBI v. Dr. A.S. Narayan Rao, 2019 SCC Online Del 8956**
- 13. Nilesh Dinakar Paradkar v. State of Maharashtra (2011) 4 SCC 143.**
- 14. Ram Singh v. Col. Ram Singh (1985) (Supp) SCC 611**

**11.** Ld. PP on the other hand has argued that prosecution has duly proved its case. The present complaint was lodged on 03.08.2012 and the verification proceedings were conducted on 04.08.2012 and the trap proceedings on 07.08.2012. The NOC was required from the Fire Department for change of name in the licence of Hotel Miraj from Vijay Kapoor to the name of complainant Vijay Pal Singh, which has been duly proved through the letter sent by ACP, Licensing to Chief Fire Officer and it cannot be argued for the accused that no work pertaining to the Fire Safety Certificate of Hotel Miraj was pending before the accused. On the aspect of demand and acceptance it has been argued that the cross examination of PW7 clearly proves that there was demand. The verification memo and the transcript of the conversation between the accused and the complainant on 04.08.2012 clearly established the demand of bribe made by the accused. The accused agreed to accept and accepted the bribe from the complainant. Accused who appeared as DW3 admitted that he went to Hotel Miraj after having telephonic conversation with the accused. It was for the accused to explain as to why he went to Hotel Miraj and met the complainant, if no work was pending before him pertaining to Hotel Miraj. Even the file of Hotel Miraj was recovered from the official vehicle

of accused when he went to Hotel Miraj which clearly shows that accused had the relevant file at his disposal at that time. It was argued that manner of demand and acceptance of bribe can vary and inferences are to be drawn from the conduct of the accused. The transcript of 07.08.2012 clearly reflects that accused asked the complainant to put the bribe amount in the envelope by saying “Lifafe main paa do” and that clearly shows that there was a demand on the part of the accused. The hand wash and the envelope wash clearly reflect that the treated currency notes were taken by the accused. It is further argued that the currency notes recovered from the spot tallied with the serial number noted down in the handing over memo and the accused had failed to give any explanation regarding the recovery of currency notes. It is also argued that minor discrepancies can always creep in because of lapse of time and same cannot be reason to disbelieve the witnesses. It was further stated that the judgments relied upon by the defence counsel are clearly distinguishable on facts. The certificate U/s 65 (B) of the Indian Evidence Act can always be provided subsequently and there is no reason to disbelieve the transcript only because 65 (B) certificate was not appended with it. The accused has failed to dislodge the presumption U/s 20 of the PC Act against him

whereas the prosecution has clearly establishes the offences beyond reasonable doubt and accused should be convicted accordingly. Ld. PP in support of his argument has relied upon the following judgment:

- (1) Mukhtiar Singh Vs. State of Punjab, (2016) 11 SCC 357.**
- (2) Kundan Singh Vs. State, 2015 SCC Online Del. 13647.**
- (3) Soma Bhai Gopal Bhai Patel Vs. State of Gujurat, (2014) 15 SCC 103.**
- (4) Vinod Kumar Vs. State of Punjab, (2015) 3 SCC 220.**

**Conclusion:-**

**12.** As far as the arguments of the Ld. Defence counsel that no official work on date relating to the complainant was pending with the accused is concerned, the Ld. Defence counsel has placed strong reliance on the letter Ex. PW2/C wherein the said communication was sent to Chief Fire Officer only for information. A perusal of this document dated 26.06.2012 shows that this communication was sent by ACP, Licensing to Deputy Commissioner, MCD regarding grant of license to run a lodging applied by complainant Vijay Pal Singh. As per this letter, the MCD license valid upto 31.03.2012 earlier issued in the name of Vijay Kapoor, who was a Lessee of complainant, was

surrendered and the complainant applied for grant of license to run the guest house in his own name. Copy of this letter was sent by the ACP, Licensing to Municipal Health Officer, MCD, Chief Fire Officer, Delhi Fire Service, DCP, North West and to SSP, Chandigarh to obtain the CVR of complainant. In note 5 to this letter, the complainant was directed to pursue the matter with concerned agencies under intimation to ACP, Licensing and submit the Fire NOC within 30 days and valid MCD trade license within 45 days. In facts, there appears to be no force in the contention of Ld. Counsel for the accused that no work of complainant was pending with Delhi Fire Services. It is undisputed that this letter was marked to the accused to take appropriate action regarding issuing NOC. Otherwise also, even if the earlier NOC was valid for three years, which was issued on 04.04.2011 in the name of Royal Miraj Guest House run by the Lessee of the complainant but still this fresh letter asked the complainant to pursue and obtain fresh Fire NOC from the accused and therefore, the work was pending before the accused relating to the Fire NOC to be submitted by the complainant with ACP, Licensing. Though many witnesses have admitted that the earlier Fire Safety Certificate was valid for three years and was never revoked but the fact remain that the complainant was asked to obtain

fresh NOC in view of the document Ex. PW2/C and any oral testimony contrary to the written document has to be ignored and otherwise also, as per complainant, he was asked to obtain fresh NOC from Fire Department and was thus made to believe that a fresh NOC is required from the Fire Department despite the fact that earlier Fire Certificate Ex. PW8/2 was valid for three years from 04.04.2011.

**13.** Coming to the second argument that prosecution has failed to establish any demand on behalf of the accused is concerned, the recorded telephonic conversation between the accused and the complainant of 04.08.2012 and 07.08.2012 have been duly proved by the independent witnesses as well as the expert witnesses. The transcript of these two conversations have been proved by PW6, who is the Sr. Scientific Officer, Physics Division, CFSL. Much has been argued by the Ld. Defence counsel on the report given by this witness Ex. PW6/A on the ground that the witness says that the voice compared by him from the CDs is probable voice of the accused and therefore, is not a specific opinion. I have perused this report Ex. PW6/A wherein in the result of the examination to query no. 1, the expert has clearly stated that the questioned voice and the specimen voice are similar

and only in the last paragraph, he wrote that the voices are the probable voices of the accused. This result clearly establishes that the person, who spoke on the phone, was similar to the person whose specimen voice was obtained, which is not disputed by the accused. The testimony of the accused appearing as DW3 in this regard is very relevant. Accused himself stated in his examination in chief that on 07.08.2012, he received a call from the complainant and pursuant to that, he alongwith his official driver and nephew went to Hotel Royal Miraj at around 4 pm and met the complainant, who in his cabin placed on table a bundle of notes and placed the notes on an envelope lying on the table and asked the accused to count the notes (gin do) and to which the accused replied that by counting the amount will not change and the accused asked the complainant to keep the money in the envelope and keep the same with himself. This deposition of accused made in examination in chief proves beyond doubt that there was a telephonic conversation between him and the complainant on 07.08.2012 and pursuant to that, he went to the hotel of the complainant and met him and there was some conversation between them in respect of the amount. The accused admitted that there was a conversation in respect of counting the currency notes and whether it

was “gin do” or “gin lo” has to be seen. In this regard, the transcript of the conversation, which took place between the accused and the complainant on phone and then in the cabin of the hotel are relevant.

It is also relevant to note that the accused has not disputed even the telephonic conversation dated 04.08.2012 during the verification proceedings. The accused in his statement recorded U/s 313 CrPC in answer to question 6, which asked him about the conversation on 04.08.2012, admitted that there was a conversation but said that no demand of bribe was made by him in that conversation. It means that there is a clear admission at least of the telephonic conversation between the accused and the complainant on 04.08.2012 and 07.08.2012 which otherwise is duly proved by the records provided by the service provider of the phone number of the accused 9811339002 and of the complainant 9818391063 Ex. PW12/B and Ex. PW10/A1. Certificate U/s 65 B of Evidence Act Ex. PW17/A and Ex. PW7/C were also proved as per law. In these facts, let us now refer to transcript of these two conversations duly proved by the prosecution. In the transcript Ex. PW5/D dated 04.08.2012, the complainant made a call to the accused regarding handing over the money and the accused



asked initially to leave the money in the office or with the servant or with the manager as he was far away and was not in a position to come and collect the money on that date. The accused repeatedly asked the complainant to leave the amount even with the servant at home but the complainant was reluctant to leave the money with some other person as the amount was on the higher side.

Further, in the transcript Ex. PW9/C dated 07.08.2012 made by the complainant from CBI office, the accused confirmed that he will reach the hotel of the complainant around 4.30 pm and when the complainant said that he has arranged entire bribe amount which can be collected, the accused replied "Thik Hai". Later on, in the conversation, which took place in the cabin of Hotel Miraj after some formal discussion, the accused himself asked the complainant to put the amount in the envelope as it was essential to give amount in the envelope. When the complainant said that he has arranged only Rs. 1 Lac and balance Rs. 50,000/- can be collected tomorrow the accused replied that if possible, the balance may be arranged within 10 minutes or that he can collect even tomorrow. Later on, the complainant after handing over the money asked the accused to count the amount to

which accused replied that he has one principle in life i.e. to believe the other person. This conversation clearly reflects that there was clear cut demand of bribe by the accused. It is not always that one will find the direct evidence of demand and the demand can be inferred even from the circumstances. In the present case, the conversation between the complainant and the accused on 04.08.2012 followed by the conversation on 07.08.2012 coupled with the conduct of the accused of visiting the Hotel of the complainant with official file that too when some official work of the complainant was pending with him, shows that there was clear cut demand on the part of the accused for issuing NOC of the Fire Department and in pursuance of that demand, the accused went to collect the money. Therefore, the prosecution has clearly established that there was demand on the part of the accused.

**14.** Coming to the last argument regarding acceptance, it has been argued that complainant and the punch witnesses stated that money was put by the complainant on the table and the same was never picked by the accused and therefore, there was no acceptance on the part of the accused. It is also argued that there are several material contradictions in the statement of the complainant and the

independent witnesses, which if read with the statement of the punch witnesses, will show that accused never accepted the amount from the complainant. The record shows that the right hand wash and left hand wash of the accused obtained on the spot was examined and the chemical examination report Ex. PW1/B shows that the right hand wash and the left hand wash and the envelope wash tested positive for the presence of phenolphthalein powder. It was argued for the accused that this powder was planted on him by the CBI after his apprehension or by the complainant when he shook hand with the accused after his arrival at the hotel but there seems to be nothing on record to believe the story of the accused. First of all, the complainant's hand were never treated with this powder to enable him to transfer this powder to the hands of the accused at the time of alleged hand shake and otherwise also, it could not be shown on record that there was any hand shake between the complainant and the accused when the accused reached the hotel. DW1, who is the nephew of the accused stated that after reaching hotel, one person shook hand with the accused and shook hand again with him in his cabin. It is important to note that if there was a hand shake at all with an intention to apply the phenolphthalein powder at the hands of the accused, the same would have been applied only to one

hand, which was shaken and would not have come to both the hands. It has not been even suggested to the complainant that he shook hands with accused after accused reached the Hotel, and this defence of shaking hands is an afterthought. Otherwise also, the independent witnesses clearly mentioned that the currency notes after treated with the phenolphthalein powder were put in the pant pocket of the complainant and the complainant was not made to touch those currency notes. In fact, there appears to be no efforts on the part of the CBI to plant this powder on the hands of the accused. The witnesses have clearly stated that accused was apprehended by holding his wrist and under no circumstances, the raiding team could have planted this powder in the hands of the accused.

**15.** Further, the witnesses of the trap proceedings PW11 and PW13 clearly stated that the accused took the money with envelope in his hands and then placed the same on table. Otherwise also, the request of the accused to put the money in the envelope before receiving the same in itself is sufficient to come within the definition of acceptance. The minor contradictions as to whether the money was accepted in the envelope or was found lying on the table on the

envelope or whether the same was kept in left or right pocket by the complainant are minor variations, which can always occur with the lapse of time. It cannot be ignored that the incident is of August, 2012 whereas the witnesses were examined in 2015 after a gap of three years and minor variations can always creep in by the flux of time. There is no reason to disbelieve the independent witnesses as well as recovery from the accused as well as the telephonic conversations and the chemical examination report of left and right hand and the envelope wash.

**16.** The judgments relied upon by the Ld. Defence counsel are not attracted to the facts of this case. In the judgment **B. Jayaraj (Supra)**, the complainant turned hostile, in the judgment of **C. Sukumaran (supra)**, the accused was not named in the FIR and the complaint was against the Station Writer and the accused was never posted as Station Writer. In the judgment of **Anup Kumar Srivastava, P. Satyanarayana Murthy, T.K. Ramesh Kumar and C. M. Girish Babu**, the prosecution could not prove any demand. In the judgment of **S.K. Bhatia**, the trap was not proper. In the judgment of **Sujeet Bishwas**, it was held that if there are two views, the one favoring the

accused should be taken. In the judgment of **Dr. A.S. Narayan Rao**, the motive of bribe was not established and therefore, all the judgments are not attracted to the facts of this case. As far as the judgment of **Anwar P.V., Suresh Kumar Lakra and Nilesh Dinkar** relied by the accused are concerned, the same are not attracted to the facts of this case as the certificate U/s 65 B of the Indian Evidence Act Ex. PW17/A and Ex. PW7/C was given in this case and further, the accused himself did not dispute the telephonic conversation between him and the complainant and otherwise also, the original CDs were produced and played in the court to the complainant and the same were duly identified by the complainant and there is direct evidence on record regarding the recorded conversation and no certificate U/s 65 B is required. Otherwise also, there is no suggestion to the complainant that the said conversation between him and accused never took place.

**17.** On the other hand, Hon'ble Supreme Court in **Hazari Lal Vs. State, (1980)2 SCC 390**, held that "It is not necessary that passing of money should be proved by direct evidence. It may be proved by circumstantial evidence..... once we arrive at the finding that accused had obtained the money from PW3, the presumption U/s 4 (1) of the PC

Act is immediately attracted.” In the present case, there is sufficient evidence direct as well as circumstantial that accused demanded and accepted the bribe from the complainant and had failed to disprove the presumption.

The prosecution has clearly established that the accused, being a public servant working as Assistant, Divisional Officer in Delhi Fire Services demanded and accepted Rs. 50,000/- as illegal gratification from the complainant in pursuance to his demand of Rs. 1,50,000/- for giving NOC of the Fire Department and being a public servant, obtained pecuniary advantage by corrupt and illegal means and thereby committed the offence U/s 7 read with 13 (1) (d) punishable U/s 13 (2) of the PC Act, 1988. Both the offences have been proved beyond reasonable doubt and the accused is convicted for both the offences.

**ANNOUNCED IN THE OPEN COURT  
ON 28.09.2020.**

**AMIT  
KUMAR** Digitally signed  
by AMIT KUMAR  
Date: 2020.09.30  
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**(AMIT KUMAR)  
SPECIAL JUDGE, (PC ACT), CBI-04,  
ROUSE AVENUE COURTS,  
NEW DELHI**

**IN THE COURT OF AMIT KUMAR, SPECIAL JUDGE,  
(PC ACT), CBI - 04, ROUSE AVENUE COURT, NEW DELHI**

**CC No. 116/2019  
R.C. No. 27(A)/12/CBI/ACB/ND  
CNR No. DLCT11-000516-2019**

**CENTRAL BUREAU OF INVESTIGATION**

**VERSUS**

**RAJ MAL KHOKHAR**  
S/O LATE SH. MANGE RAM KHOKHAR  
R/O VILLAGE & P.O. KANSALA,  
DISTT. ROHTAK, HARYANA.

PRESENTLY AT:-  
R/O FLAT NO. 3, SECTOR-16,  
ROHINI FIRE STATION, NEW DELHI.

<b>DATE OF INSTITUTION</b>	<b>:23.01.2003</b>
<b>DATE OF ARGUMENTS</b>	<b>:24.09.2020</b>
<b>DATE OF JUDGMENT</b>	<b>:28.09.2020</b>
<b>DATE OF SENTENCE</b>	<b>:30.09.2020</b>

**ORDER ON SENTENCE**

**1.** I have heard Ld. PP for the CBI and Sh. Sanjay Mann, Ld. Counsel for the Convict. I have also perused the file and heard the Convict on the point of Sentence.

**2.** It was submitted by the Ld. PP for the CBI that the Convict does not deserve any leniency. It was submitted that the maximum



punishment should be awarded to the Convict. It is argued that cases of corruption are on rampant and age, family background are no ground for leniency as held by Hon'ble Apex Court in catena of Judgments. Convict was holding a senior post and maximum punishment should be awarded.

**3.** It was submitted by the Ld. Counsel for the Convict that a lenient view should be taken against the Convict. It was submitted that the Convict is a senior citizen aged 68 years and is suffering from various ailments. His wife is 65 years old and there is none to support the family as all three children are married. It was contended that the Convict has faced the trial for a considerable long period and has suffered a lot.

**4.** It was submitted by the Convict that he is not keeping well, his wife also requires his assistance. The Convict also submitted that his financial condition is not good.

**5.** In view of the facts and circumstances of the case, I am of the considered view that ends of justice would be met if the Convict is sentenced to undergo RI for three years with a fine of Rs. 25,000/- for the offence punishable under Section 7 of The Prevention of Corruption Act, 1988 and RI for three years with a fine of Rs. 25,000/- for the

offence punishable under Section 13(1)(d) r/w Section 13(2) of The Prevention of Corruption Act, 1988. The Convict is sentenced accordingly.

6. The Convict shall undergo RI for three years with a fine of Rs. 25,000/- for the offence punishable under Section 7 of The Prevention of Corruption Act, 1988, in default of payment of fine, the Convict shall undergo SI for six months. The Convict shall undergo RI for three years with a fine of Rs. 25,000/- for the offence punishable under Section 13(1)(d) r/w Section 13(2) of The Prevention of Corruption Act, 1988, in default of payment of fine, the Convict shall undergo SI for six months. Both the Sentences shall run together. Benefit of Section 428 Cr.P.C. be given to the Convict.

7. Copy of the Judgment and Order on Sentence be given immediately to the Convict, free of cost. Bail-bonds are cancelled. The surety is discharged. File be consigned to Record Room.

**ANNOUNCED IN THE OPEN COURT  
ON 30.09.2020.**

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KUMAR  
Date:  
2020.09.30  
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**(AMIT KUMAR)  
SPECIAL JUDGE, (PC ACT), CBI-04,  
ROUSE AVENUE COURTS,  
NEW DELHI**