

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

In re:

**CBI Vs. Ashok Kumar Kapoor
RC No. 75(A)2000/CBI/ACB/ND
CC No. 41/2011**

1. M. No. 39/2020

Application of accused Ashok Kumar Kapoor for release of fine amount.

2. M. No. 40/2020

Application of surety Mrs. Surinder Rani for release of documents/FDR.

3. M. No. 41/2020

Application of surety Mohan Singh for release of documents/FDR.

4. M. No. 42/2020

Application of Manoj Kumar for release of amount seized by the CBI.

04.08.2020

(Through CISCO Webex Meeting App)

*Applications are taken up through Video Conferencing through unique court ID on CISCO Webex Meeting App, created under Delhi District Court domain, hosted by Mr. Pankaj Sanwal, P.A to this Court, in reference to the **Order No. Power/Gaz./RADC/2020/E-7784-7871 dated 30.07.2020 & Circular No. E-8051-8130/Comp/RADC/ND/2020 dated 03.08.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RADC, New Delhi.***

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

Present: Advocate S.P. Kaushal, counsel for all the 04 applicants.

Mr. M. Saraswat, PP for CBI with SI Ashok Kumar, Pairvi Officer.

Mr. Dhanesh Kumar, Reader and Mr. Narender Kumar, Ahlmad of this Court have also joined through Cisco Webex Meetings App.

M. No. 39/2020

Heard.

Fine payment receipts not filed by the applicant Ashok Kumar Kapoor. Learned defence counsel has submitted that his client has misplaced the receipts and they are not traceable. It is further submitted that fine was deposited in the trial court and particulars of the payment receipts are mentioned in the order of learned Predecessor dated 29.01.2013 in C.C. No. 41/2013; CBI Vs. Ashok Kumar Kapoor. Scanned copy of the order has been filed by the defence counsel and perused.

As per the order, fine of Rs. 2.5 lacs was deposited by the applicant/convict Ashok Kumar Kapoor in 02 installments – Rs.1,00,000/- was deposited on 30.11.2012 vide cash receipt no. 9816 and Rs. 1,50,000/- was deposited vide receipt no. 9848 on 04.12.2012.

It is submitted by the learned counsel that the fine amount was subsequently converted into a Fixed Deposit by the Trial Court on the directions of Hon'ble High Court of Delhi. My attention is drawn to the order of Hon'ble Delhi High Court dated 21.01.2013 in Crl. A. 9/2013 [Crl. M.A. No. 32/2013 (u/S 482 Cr.P.C)] and orders of the Ld. Predecessor dated 29.01.2013, 02.02.2013, 06.02.2013 & 08.02.2013 in this regard, scanned copy of which are filed by defence counsel and perused.

Vide order dated 21.01.2013, Hon'ble Delhi High Court had directed that penalty amount of Rs. 2.5 lacs deposited by the petitioner be deposited in the nationalized bank initially for a period of 05 years. In compliance of this order, learned Predecessor vide order dated 29.01.2013 gave necessary directions to the Fine & Audit Branch, Patiala House Courts, New Delhi District for depositing the fine amount in a Fixed Deposit in any nationalized bank for a period of 05 years. In refrence to this order, a letter was received by learned Predecessor from Senior Assistant, Fine & Audit Branch, Patiala House Courts, New Delhi explaining the process for compliance of the order of Hon'ble Delhi High Court and specific directions were issued by the Ld. Predecessor in the order dated 02.02.2013.

Vide order dated 06.02.2013, learned Predecessor directed the Branch Manager, UCO at PHC, New Delhi to accept the amount of Rs. 2.5 lacs and to keep it in a Fixed Deposit for a period of 05 years in the name of the applicant (the then convict Ashok Kumar Kapoor C/o Special Judge, CBI-03, New Delhi District, New Delhi) with the directions that the amount under the Fixed Deposit shall not be realized unless and until there is any direction from this Court or from any superior Court.

As per order dated 08.02.2013 of learned Predecessor, the original Fixed Deposit was filed on record by Mr. M. R. Menon, Cashier from Cash Branch, New Delhi District, New Delhi and Reader was directed to make necessary entries in the Fine Register. Scanned copy of the certified copy of the FDR dated. 08.02.2013 of UCO Bank has also been filed by defence counsel.

The above particulars and the record show that the fine amount was initially deposited in the Trial Court which was later on converted into the Fixed Deposit. All necessary details have been given in the orders filed by the counsel.

Reader to give status report on the basis of above submissions and record.

M. No. 40/2020 & M. No. 41/2020

Ahlmad to make available the scanned copies of the bail bonds, FDRs and the concerned bail orders. Ld. Counsel for the applicants to provide necessary assistance.

M. No. 42/2020

CBI has not contested the application and has no objection if the amount of Rs. 8,08,750/- seized from the bank locker during investigation is released to the applicant. However, P.P. seeks time to seek specific clarification from HIO about the status of the FDR on the ground that reply filed by the CBI to this application is silent on this aspect. Request is allowed.

Put up for further arguments and consideration of all the 04 applications now on **07.08.2020** at **11.00 AM**.

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

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

Order has been dictated on phone to Mr. Pankaj Sanwal, Personal Assistant.

(Santosh Snehi Mann)
Special Judge (PC Act), CBI-08
RADC/ND : 04.08.2020

PS