

CBI vs. Sh. Jagat Singh & Ors.

RC-DAI-2018-A-0004

Dated 09.02.2018

U/s 7, 12, 13(2) r/w 13(i)(d) of PC Act, 1988 and Section 384, 120-B of IPC

23.07.2020

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

(Through VC using Cisco Webex App.)

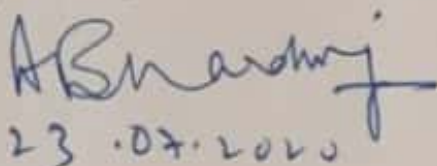
Application filed by applicant Sh. Raj Kapoor for release of documents seized during search at his premises conducted on 10.12.2018 is pending since 06.03.2020.

Initially, CBI had opposed release of documents by filing reply dated 21.03.2020 but it was informed on the last date that Closure Report has been filed in the case on 16.07.2020.

The practice and procedure for filing of non-urgent cases has been prescribed by the Hon'ble Delhi High Court, as mentioned in the Circular of Ld. District & Sessions Judge, cum-Special Judge (PC Act)(CBI), Rouse Avenue District Court, New Delhi bearing No. E7118-E7137/DJ/RADC/2020 dated 17.07.2020, as under:-

*"Pursuant to Hon'ble High Court's Office Order bearing No. 24/DHC/2020 dt. 13.07.2020 and in continuation of this Office Order No. Power/Gaz./RADC/2020/E-6836-6919, it is further directed that physical filing of non-urgent/ordinary matters concerning CBI, ED or other criminal matters, be done only in sealed envelope with all necessary particular like name of parties, FIR/RC number etc. mentioned on the envelop itself. It is further made clear that marking/allocation of such non-urgent/ordinary matters shall be done only upon resumption of normal functioning in the Court and till then sealed envelope filed in non-urgent/ordinary matters shall remain in the custody of filing section under the responsibility of Branch-In-Charge of filing section."*

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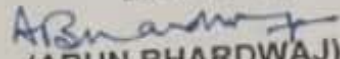
In this case also, the Closure Report has been filed in sealed cover and has not yet been marked to this court. Therefore, till the time the Closure Report is considered by this court, this application is kept pending and would be taken up as and when the Closure Report is available for perusal of this Court/re-opening of hearing in the Courts.

Let a copy of this order be sent by whatsapp to the learned Senior PP for CBI, learned counsel for the accused and the accused/applicant.

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(ARUN BHARDWAJ)

Special Judge (P.C. Act)(CBI-05)  
Rouse Avenue District Court,  
New Delhi/23.07.2020

23.07.2020

Present: Sh. B.K. Singh Ld. Sr. P.P. for CBI.

Accused No. 5 Smt. Sudershan Kapoor in person along with Ld. Counsels Sh. Y. Kahol and Sh. Deepak Sharma.

Accused No. 12 Sh. Vikas Srivastava in person alongwith Ld. Counsels Sh. I.D. Vaid.

Accused No. 7 Sh. Amit Kapoor in person.

Accused No. 6 Sh. Ashwani Dhingra and Accused No. 8 Sh. Rishiraj Behl in person along with Ld. Counsel Sh. M.K. Verma who represents Accused No.11 Sh. D.B.Singh also.

(Through VC using Cisco Webex App.)

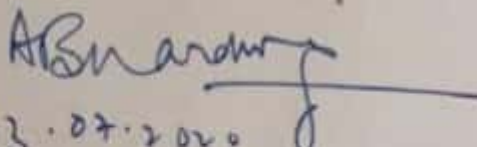
Sh. Y. Kahol, Ld. Counsel for Accused No. 5 Smt. Sudershan Kapoor submitted last part of his arguments today.

Ld. Counsel submitted that Accused No. 5 Smt. Sudershan Kapoor never got any chance to see the KVPs before the loan was sanctioned. All the payments were made from loan account through demand drafts. She had no reason to doubt accused nos. 1, 2 and 3 and they were not found to be impersonator/fake.

It was submitted that being the Branch Manager, she was not expected to verify each and every demand draft issued from the loan account and for this purpose there is Manager (Loan)/(Credit) and Manager (Credit) of Regional Office is nowhere in picture.

It was submitted that prosecution has not proved that Accused No. 5 Smt. Sudershan Kapoor had received any circular from RBI or from Postal Department or from Regional Office.

It was submitted that there are discrepancies and many aspects have not been investigated benefit of which should be given to the accused.

  
23.07.2020

Reliance was placed on 1990 SCC CrI. 151 and Gurbachan Singh vs. Satpal Singh in this regard. Reliance is also placed on 1992 CrI. Law Journal 2537.

Ld. Counsel submitted that conspiracy is not proved by prosecution and reliance was placed on Indira Gandhi murder case 1988 SCC CrI. 711, where Ld. Counsel submitted it is nicely explained what should and what should not be done to prove conspiracy.

Ld. Counsel submitted by referring to para 45, 275 and 276 of this judgment that for proving conspiracy, there should be some evidence on record. There should be some physical manifestation. He submitted there is no unlawful design in seeking loan against security and hence submitted that accused no. 5 deserves acquittal.

Ld. Counsel submitted that there was a query of the court put to him during arguments about the period for which accused no. 1 had dealership of Mahindra & Mahindra.

Ld. Counsel submitted that Accused No. 1 Sh. D.S. Sandhu was dealer of Mahindra & Mahindra for 5 Districts in Punjab and was selling 2,200 vehicles a month, but later the agency was cancelled.

All the learned counsels have concluded their defence arguments. Now is the stage for the Ld. Sr. PP for CBI to rebut.

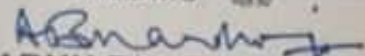
List on Monday i.e. at 11 a.m. on 27.07.2020 for rebuttal by Ld. Sr. PP for CBI.

Those accused whose Bonds u/s 437A of Cr. P.C. have not been furnished shall furnish the same before the next date.

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

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(ARUN BHARDWAJ)  
Special Judge (P.C. Act)(CBI-05)  
Rouse Avenue District Court,  
New Delhi/23.07.2020