

**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.

14.07.2020

(Through CISCO Webex Meeting App)

*Applications are taken up through Video Conferencing hosted by Mr. Pankaj Sanwal, P.A to this Court, in reference to the **Order No. Power/Gaz./RADC/2020/E-5577-5661 dated 29.06.2020 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 and 22/DHC/2020 dt. 29.06.2020.

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

Mr. M. Saraswat, PP for CBI with HIO Inspector Dharmendra Kumar and SI Ashok Kumar, *Pairvi* Officer.

Reply to all the 04 applications filed by CBI separately on the official e-mail id of the Court (readerchi08radc@gmail.com). Copies have been supplied to learned counsel through e-mail.

Reports are submitted by the Reader and Ahlmad on the official e-mail id of the Court.

Heard.

Record perused.

There is no legal objection to any of the applications by the CBI which has conceded that the SLP of CBI against the order of Hon'ble Delhi High Court vide which accused Ashok Kumar Kapoor was acquitted has been dismissed by the Hon'ble Supreme Court vide judgment/order dated 04.06.2020.

The background facts as per record are that accused Ashok Kumar Kapoor was convicted **u/s 13(1)(e) r/w Section 13(2) of P.C. Act** by learned Predecessor of this Court vide judgment dated 22.11.2012 and vide order on sentence dated

27.11.2012, he was sentenced to undergo **Rigorous Imprisonment for 02 years and to pay a fine of Rs. 2.5 lacs; in default of payment of fine, to further undergo Rigorous Imprisonment of 06 months.**

Appeal filed by the accused/convict Ashok Kumar Kapoor against the judgment/order of the Trial Court was allowed by the Hon'ble Delhi High Court vide judgment/order dated 14.02.2019 and the conviction was set-aside. Vide the same order it was directed by the Hon'ble Delhi High Court that the fine deposited by the appellant be refunded to him and the cash recovered be released to the legal heirs of appellant's mother-in-law Smt. Shakuntala Devi, who died on 07.01.2007.

With respect to the application for refund of fine, it is submitted by the Reader in his report that copy of the fine payment receipt be made available for necessary particulars to trace the record. At this stage Ld. Counsel for the applicants has submitted that fine amount was deposited in the bank as FDR by the order of the High Court.

With respect to the applications of the sureties Mrs. Surinder Rani and Mr. Mohan Singh, Ahlmad has reported that surety bonds along with the FDRs are on the record and has submitted that the bail order passed by the Hon'ble Delhi High Court be made available.

Ld. Counsel to file copy of the fine payment receipt along with the related order/documents and the bail order passed by the Hon'ble High Court by the next date of hearing on the

official e-mail id of the Court.

With respect to the 04th application i.e. for release of the amount seized by the CBI from the bank locker during investigation, applicant to file the Succession Certificate or any other legally admissible document with respect to his capacity and entitlement.

Put up for consideration of all the 04 applications now on **04.08.2020** 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 be placed on record in the judicial file by the Reader as and when physical functioning of the courts is resumed.

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

(Santosh Snehi Mann)
Special Judge (PC Act), CBI-08
RADC/ND : 14.07.2020

PS