

IN THE COURT OF SH VIMAL KUMAR YADAV, SPECIAL JUDGE (PC ACT), CBI-01,  
ROUSE AVENUE DISTRICT COURT, NEW DELHI

**CBI Vs. S.N.S. Sidhu & Ors.**

**R.C. No. 34(A)/2007**

**18.07.2020**

**Present:** **Ms. Bindu**, Ld. Public Prosecutor for CBI.

**Sh. Manjeet Godara**, Advocate, Ld. Counsel for the applicant Smt. Carolina Toppo, w/o. accused Philip Toppo.

**Inspector Harnam Singh**, Holding Investigating Officer of the case.

**Sh. Vivek Juyal**, PA present through video conferencing.

The matter has been taken up from 10.00 AM to 10.20 AM through video conferencing using CISCO WEBEX hosted by **Sh. Sudhir Kumar**, Reader of this Court.

Through the instant application release of certain articles, as mentioned in the application itself, sought to be released by the applicant Smt. Carolina Toppo through Counsel present.

It is submitted by Counsel for the applicant that the matter has already been disposed of and the accused Philip Toppo has already been discharged vide order dated 24.09.2016 and for that matter accused Philip Toppo has already been expired on 13.11.2018 and proceedings against him have also been abated. It is further submitted that during the course of investigation of the present case, searches were made and certain articles including cash of Rs.2,50,000/- have been seized from the house of Philip Toppo. It is submitted that articles from Sl. No. 3 to 27 of search-cum-seizure memo dated 18.08.2007 alongwith cash Rs.2,50,000/- are lying in the maalkhana of CBI without any reason or rhyme as neither the documents are relied upon documents nor there is a single mention of those documents in the charge sheet and for that matter neither the documents were made case property nor any separate case is registered qua this effect. With these submissions, it is submitted that the above-said articles be released to the applicant, who happens to be the wife of accused Philip Toppo as no purpose would be served by keeping them further in the maalkhana of CBI without any cogent reason.

Ld. Public Prosecutor for CBI, while opposing the application, submitted that CBI preferred criminal revision against the order dated 24.09.2020 through which the accused Philip Toppo and other accused persons were discharged and the same is pending before the Hon'ble High Court of Delhi, therefore the articles may not be released to the applicant. As regards, cash of Rs.2,50,000/-, it is submitted that the same is mentioned in document D-39 i.e. pointing out memo, which is a relied upon document.

Be that as it may, on being asked about the reservations qua not releasing of documents except cash of Rs.2,50,000/- as there is no mention of those documents in the charge sheet, Ld. Public

Prosecutor for CBI seeks 3/4 days time to discuss this issue with the Holding Investigating Officer of the case.

In view of the above, list the application for consideration on **23.07.2020 at 10.00 A.M.** through video conferencing.

A copy of this order be also sent to the Computer Branch for uploading on the official website.



**(Vimal Kumar Yadav)**

**Special Judge (PC Act), CBI-01,**

**Rouse Avenue District Court, New Delhi**

**18.07.2020**