

**CBI Case No. 34/2019**  
**CBI Vs. Jayalakshmi Jaitly @ Jaya Jaitly etc.**  
**30.07.2020**

**Present:** Sh. Neetu Singh, Ld. PP for CBI along with Pairvi officer HC Rajesh.  
Ms. Nitya Ramakrishnan and Sh. Aditya Vijay Kumar, Ld. Counsels for Convict No. 1 along with Convict No. 1.  
Sh. Vikram Panwar and Sh. Suyash Sinha, Ld. Counsels for Convict No. 2 along with Convict No. 2.  
Sh. Shivam Sharma, Ld. Counsel for Convict No. 3 along with Convict No. 3.

The hearing was conducted today at 10:30 am through video conferencing on CISCO Webex Meetings App. facilitated by the Ahlmad of the Court.

Vide separate order pronounced today through video conferencing, the convicts have been sentenced as under:-

*(i) all the three convicts have been sentenced to rigorous imprisonment for a period of four years each along with fine of Rs. 50,000/- each for the offence under Section 120B IPC. In case of default in payment of fine they shall suffer simple imprisonment for a period of four months.*

*(ii) Convicts Jaya Jaitly and S.P. Murgai have also been sentenced to rigorous imprisonment for a period of four years each along with fine of Rs. 50,000/- each for the offence under Section 9 of Prevention of Corruption Act, 1988. They shall suffer simple imprisonment of four months each in case of non payment of fine.*

It has been directed that all the above sentences shall run concurrently and the convicts shall be entitled to benefit of Section 428 Cr.

P.C.

CBI Case No. 34/2019

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Since, the regular working of the Courts at Delhi has been suspended by the Hon'ble High Court in order to prevent the spread of Corona Virus Infection, the order on sentence was pronounced through video conferencing and therefore, the convicts cannot be taken into custody forthwith as they are not physically present before the Court. The convicts have, therefore, been given time till 5 pm of this day to surrender before Superintendent, Central Jail, Tihar, Delhi. It has further been ordered that should the convicts not surrender before 5 pm, the concerned Head of Branch, CBI, shall send three separate teams of CBI officers to the residences of the three convicts who shall take the convicts into custody and lodge them in Tihar Jail.


A copy of today's order on the point of sentence be transmitted forthwith to the accused as well as their counsels through e-mail/whatsapp for information and compliance.

A copy of today's order on the point of sentence be also sent to the Superintendent, Tihar Jail, through e-mail for his information. He shall report to this Court by tomorrow morning as to whether or not have the convicts been lodged in the jail.

A copy of this order as well as the detailed order on sentence be sent to the Computer Branch, Rouse Avenue District Courts, New Delhi to be uploaded on the official website of Delhi District Courts forthwith.

The judgment dated 21.07.2020 and today's order on the point of sentence be also uploaded on the CIS during the course of the day.

Announced through Video Conferencing  
on CISCO Webex Meetings App.

  
**(VIRENDER BHAT)**  
**SPL. JUDGE (PC ACT), CBI-15,**  
**ROUSE AVENUE DISTRICT COURTS,**  
**NEW DELHI/30.07.2020.**

**IN THE COURT OF SH. VIRENDER BHAT  
SPECIAL JUDGE, PC ACT, CBI-15, ROUSE AVENUE  
DISTRICT COURT, NEW DELHI.**

**IN THE MATTER OF:**

**CBI Case No. : 34/2019**  
**CNR No. : DLCT11-000075-2019**  
**FIR No. : RC-AC-3/2004A0005 dt. 06.12.2004**  
**Branch : CBI, ACU-III/New Delhi**  
**U/s : 120B IPC r/w Section 9 of P.C. Act,  
1988 and substantive offences  
thereof.**

**STATE  
THROUGH  
CENTRAL BUREAU OF INVESTIGATION  
NEW DELHI.**

**VERSUS**

- 1. Jayalakshmi Jaitly @ Jaya Jaitly  
D/o Late. Sh. K.K. Chettur  
W/o Late Sh. Ashok Jaitly  
R/o C-30, Sujan Singh Park,**

**New Delhi-110003.**

**Also at:**

**C-48, Nizamuddin East,  
New Delhi - 110013. ....Convict No. 1.**

**2. Maj. Gen. S.P. Murgai  
S/o Late Sh. B.R. Murgai  
R/o C-62, First Floor, Anand Niketan,  
New Delhi-110021.**

**Also at:**

**D-8/1, Vasant Vihar,  
New Delhi-110057. .... Convict No. 2.**

**3. Gopal K. Pacherwal  
S/o Sh. Kalu Lal Ji Pacherwal  
R/o Keshav Rai Patan,  
District Bundi, Rajasthan. .... Convict No. 3.**

### **ORDER ON THE POINT OF SENTENCE :-**

1. Never before was man so educated, yet so ignorant; so profusely equipped, yet so insecure, so much in plenty, yet in such





penury; and so highly civilized, yet morally so low. The increasing material affluence is leaving today's man unsatisfied, strained and restless. Unfortunately, the spiritual quest has been replaced by materialistic desires as man's paramount interest and pursuits. This has resulted in increase of dishonesty and decline in our standard of moral culture. Men are thousand times more intent on becoming rich rather than on acquiring moral culture, though it is quite certain that what a man is, contributes more to his happiness than what he has.

2. The convicts, who are to be handed out sentences vide this order, are not laymen. They were the persons of status and means. Convict Jaya Jaitly was the President of a erstwhile political party known as "Samta Party" and purportedly a social activist as well as a writer. Convict Gopal Pacherwal was a high ranking office bearer of the same political party as well as Member of Legislative Assembly and also Member of Parliament from the same party. Convict S.P. Murgai is retired Major General from Indian Army. In total disregard to the positions they were holding and their social status, they conspired with each other to assist one Mathew Samuel, a representative of a fictitious firm M/s Westend International, in pushing its product i.e. Hand Held Thermal Imagers (HHTI) into the Indian Army by exercising personal influence upon the concerned officers in the Ministry of Defence particularly the then Union Defence Minister. In lieu of the assurance of assistance in this regard given to Mathew Samuel, convict Jaya Jaitly received a sum of Rs. 2 lacs from him as financial reward/bribe whereas convict S.P. Murgai received a sum of Rs. 20,000/- from him in this regard.

3. Accordingly, vide judgment dated 21.07.2020, the three convicts were held guilty as under:-

(i) *all of them have been convicted of the offence of punishable under Section 120B IPC r/w Section 9 of Prevention of Corruption Act, 1988,*

(ii) *additionally Jayalakshmi Jaitly @ Jaya Jaitly and Maj. Gen. S.P. Murgai have also been convicted of the offence under Section 9 of Prevention of Corruption Act, 1988.*

4. In a one sentence argument, Ld. PP submitted that the offence committed by the convicts is very serious and they may be punished as per law.

5. Ld. Counsel for convict Jaya Jaitly argued for a lenient view in her favour. She argued that the convict is 80 years old lady suffering from various serious ailments and therefore, it would not be proper to send her to jail in the present situation where the whole world is grappling with Covid-19. She further pointed out that the convict is a first time offender with clean past record. The Ld. Counsel further submitted that the convict has maintained an excellent conduct during the entire trial of this case and never misused the liberty of bail granted to her and also did not involved in any other criminal activity. She also pointed out various social works and initiatives undertaken by the convict as well as the books authored by her, the details of which have been mentioned in the written submissions filed by the Ld. counsel. She also referred to the judgments of the Hon'ble Supreme Court reported as **K. Mani vs. Inspector of Police, CBI, Coachi (2019) 16 SCC 750, Gulam Din Buch vs. State of J& K (1996) 9**



**SCC 239, State of Maharashtra vs. Rashid B. Mulani (2006) 1 SCC 407, K.P. Singh vs. State (NCT of Delhi) (2015) 15 SCC 497, Bechaarbhi S. Prajapati Vs. State of Gujarat (2008) 11 SCC 163 and M.W. Mohiddin vs. State of Maharashtra (1995) 3 SCC 567** to contend that long duration of trial which has caused immense mental trauma and anguish to the convict coupled with her advanced age entitled her to a lenient sentence.

6. On behalf of convict S.P. Murgai also, his counsel prayed for a lenient view. The Ld. Counsel argued that this convict is 80 years age and is suffering from prostate cancer for which he is getting treatment from RR Hospital, Dhaula Kuan. He submitted that the only son of the convict is settled abroad and the convict has the responsibility of looking after his old aged wife as well as his married daughter who is staying with him. The Ld. Counsel also submitted that the convict is having a high risk of contracting Covid-19 infection. Since, this convict has already been convicted and sentenced in another CBI Case bearing CC No. 33 of 2019, the Ld. Counsel argued that the offence for which the convict was held guilty in that case as well as in the instant case arose during the course of same transaction and therefore, he is entitled to the benefit of Section 427 (1) Cr. P.C. He argued that this Court may direct that the sentence to be imposed upon the convict in the instant case would run concurrently with the sentence imposed upon him in the above noted previous case. On this aspect, the Ld. counsel cited the judgment of the Supreme Court reported as **Shyam Pal vs. Dayawati AIR 2016 SC 5021**.

7. Ld. Counsel appearing for convict Gopal Pacherwal too pleaded for a lenient sentence to him citing his old age, prolonged trial,

conduct during the trial, background of the convict and the social work done by him. It is submitted that the convict is 72 years old and suffering from various ailments for which he is getting treatment regularly since 2012. The Ld. Counsel pointed out that the convict has maintained an excellent conduct throughout the trial and has never involved in any other criminal activity. Various social works stated to have been undertaken by the convict have been mentioned in the written submissions filed by his counsel.

8. I have considered the submissions made by the Ld. PP as well as the Ld. Counsels for the convicts. Written submissions filed on behalf of convict Jaya Jaitly and Gopal Pacherwal have also been perused. Medical documents related to convict S.P. Murgai submitted by his counsel have also been perused.

9. At the time, when the crime was committed by the convicts in the year 2000-2001, the offence under Section 9 of the Prevention of Corruption Act carried a sentence of imprisonment for a term not less than six months which may be extended to five years along with fine.

10. The court, therefore, enjoys a considerable amount of discretion in the matter of determining the quantum of sentence to be imposed upon such public servant. However, the discretion so conferred upon the court ought not to be exercised lightly or arbitrarily but has to be based upon well settled factors including the nature as well as gravity of the crime, social interest as well as conscience of the society, manner of commission of crime, antecedents of the culprit i.e. his age, status in the society, whether a first time offender or repeated offender, possibility of recidivism etc.





11. After holding a person guilty of having committed any offence, deciding the quantum of sentence to be imposed upon him appears to be a huge and uphill task. The Hon'ble Supreme Court too has, in the case of **K.P. Singh v. State (NCT of Delhi) 2015 15 SCC 497**, recognized the difficulty of a Trial Judge in arriving at an adequate sentence to be handed out to a convict while observing as under:-

*"10. Determining the adequacy of sentence to be awarded in a given case is not an easy task, just as evolving a uniform sentencing policy is a tough call. That is because the quantum of sentence that maybe awarded depends upon a variety of factors including mitigating circumstances peculiar to a given case. The courts generally enjoy considerable amount of discretion in the matter of determining the quantum of sentence. In doing so, the courts are influenced in varying degrees by the reformatory, deterrent and punitive aspects of punishment, delay in the conclusion of the trial and legal proceedings, the age of the Accused, his physical/health condition, the nature of the offence, the weapon used and in the cases of illegal gratification the amount of bribe, loss of job and family obligations of the Accused are also some of the considerations that weigh heavily with the courts while determining the sentence to be awarded. The courts have not attempted to exhaustively enumerate the considerations that go into determination of the quantum of sentence nor have the courts attempted to lay down the weight that each one of these considerations carry. That is because any such exercise is neither easy nor advisable given the myriad situations in which the question may fall for determination. Broadly speaking, the courts have recognized the factors mentioned earlier as being relevant to the question of determining the sentence. The decisions of this Court on the subject are a legion. Reference to some only should, however, suffice."*

12. It is the duty of the court to award proper sentence to a culprit having regard to the nature of offence and the manner in which it was executed or committed. The court must impose a punishment defining the crime so that the courts are able to accurately reflect public abhorrence of the crime. It is the nature and gravity of the offence and not the criminal alone, which are germane for consideration of appropriate punishment in a criminal trial. It is rightly said that imposition of sentence without considering its effect on social order may, in reality, prove a futile exercise.

13. The Apex Court has said in the case of **Madan Gopal Kakkar (1992) 3 SCC 204** that "Judges who bear the sword of justice should not hesitate to use that sword with utmost severity to the full and to the end, if the gravity of the offence so demands".

14. The discussion on sentencing reminds me of **Kotaliya's** philosophy which is "whoever imposes severe punishment becomes repulsive to people while he who awards mild punishment becomes contemptible. The ruler just with the rod is honoured. When discerned punishment is given, it endows the subject with spiritual good, material well being and pleasure of the senses". This philosophy is woven into our statute and into our jurisprudence and it is the duty of the courts to bear this in mind.

15. This being a case under the Prevention of Corruption Act, 1988, I am reminded of the words of Hon'ble Justice K.T. Thomas in **Madhukar Bhaskarrao Joshi v. State of Maharashtra (2000) 8 SCC 571**, which are reproduced hereunder:-





\* 8- When corruption was sought to be eliminated from the polity all possible stringent measures are to be adopted within the bounds of law. One such measure is to provide condign punishment. Parliament measured the parameters for such condign punishment and in that process wanted to fix a minimum sentence of imprisonment for giving deterrent impact on other public servants who are prone to corrupt deals. That was precisely the reason why the sentence was fixed as 7 years and directed that even if the said period of imprisonment need not be given the sentence shall not be less than the imprisonment for one year. Such a legislative insistence is reflection of Parliament's resolve to meet corruption cases with a very strong hand and to give signals of deterrence as the most pivotal feature of sentencing of corrupt public servants. All public servants were warned through such a legislative measure that corrupt public servants have to face very serious consequences. If on the other hand any public servant is given the impression that if he succeeds in protracting the proceedings that would help him to have the advantage of getting a very light sentence even if the case ends in conviction, we are afraid its fallout would afford incentive to public servants who are susceptible to corruption to indulge in such nefarious practices with immunity. Increasing the fine after reducing the imprisonment to a nominal period can also defeat the purpose as the corrupt public servant could easily raise the fine amount through the same means."

(Emphasis supplied)

16. Thus, unless appropriate deterrent punishment is awarded to a corrupt person taking note of the nature of the offence under the Prevention of Corruption Act as well as status of the convict at the relevant time, the trust and confidence reposed on him by the government and the public at large, people will lose faith in the justice delivery system and the very object of the legislation on



prevention of the corruption will be defeated. The court is duty bound to protect and promote public interest. Misplaced sympathy or unwarranted leniency towards a convict would send a wrong signal to the public and would effect the credibility of the justice delivery system.

17. While sentencing convict, the Court needs to take into account the person to be sentenced, the nature of the offence, the motive and its gravity, the circumstances prevailing at the time of commission of the offence including the time and the place as well as its consequences and at the same time has to maintain a balance between interests of the state and the offender. Punishment must always be just, neither too harsh nor too lenient. According to the **Kautilya** in the **Arthashastra**, a well considered and just punishment makes the people devoted towards righteousness whereas unjust punishment excites the fury of the society.

18. Coming to the instant case, it is evident that the convicts had not committed the crime due to any ignorance or lack of knowledge or under any duress. On the contrary, the crime was committed by them in pursuance to a well hatched conspiracy and upon due deliberations with each other. Undoubtedly, the crime committed by them is a very serious and also having grave ramifications so far as the defence of our country is concerned. They took money from the representative of a fictitious firm without bothering to ascertain whether the firm was actually in operation and whether the product of the said firm sought to be inducted in the Indian Army was worth it. They chose to remain blind folded on all the vital aspects of the concerned product of the said fictitious firm only with a view to get some monetary enrichment.

By their act, they compromised the entire defence system of the country. It is a crime with very wide and huge repercussion for the entire Nation and thus cannot be dealt with leniently. For their petty gains, the convicts sought to assist the induction of a product of an unknown fictitious company into the Indian Army, which if done, would have made the Army immensely vulnerable and handicapped in the wake of an enemy attack. The very existence of our country would have come under threat. It was no less than an attack on the independence of our country. In the opinion of this Court, there should be zero tolerance towards corruption in defence procurement deals as these have direct bearing upon an independence and sovereignty of our country. Hence, the crime which these convicts have committed is of highest degree. They certainly do not deserve any mercy. They deserve harshest sentence. Showing any kind of mercy towards the convicts would be mockery of justice and sure to excite the fury of the society at large.

19. The virus of corruption which has engulfed the entire fabric of our society, is becoming a major obstacle in the growth and development of our nation. In a democratic system, when the public offices and public institutions are misused for private advantage, they lose their legitimacy. Corruption not only corrodes the social fabric of the society but also depletes the national wealth. It undermines people's trust in the political system, in its institutions and in the public servants heading those institutions. Concerted and continuous efforts are needed to eradicate the evil of corruption from the society. Courts also need to play a vital role in such efforts by dealing sternly with the persons found to have indulged in corrupt practices so that a strong



signal is sent to the society at large which would deter every other person from indulging in corrupt deals.

20. The old age of the convict, the ailments which he might be suffering and the ordeal of long trial suffered by him may be mitigating factors to be considered by the court while deciding the quantum of punishment to be imposed upon the convict, but at the same time, aggravating factors like the gravity of the offence, its implications upon the public at large etc have also to be taken note of. As held by the Supreme Court in **Madhukar's case** (supra), if a convict is given impression that the protracted proceedings in Court would help him in getting a very light sentence in case of his conviction, its fall out would afford incentive to the persons who are susceptible to corruption, to induce in such nefarious practice with impunity. In that case, the Hon'ble Supreme Court also showed disinclination for increase of the fine amount after reducing the imprisonment to a nominal period.

21. So far as the claim on behalf of convict S.P. Murgai for providing him benefit under Section 427 (1) Cr. P. C is concerned, I feel in agreement with the submissions of his Ld. Counsel. But no order in this regard needs to be passed as of now for the reason that sentence imposed upon this convict in previous case has been suspended by the Hon'ble High Court in appeal proceedings. He may seek appropriate orders in this regard in case his appeal is dismissed by the High Court and he is called upon to suffer sentence in that case.

22. Upon considering the above noted mitigating as well as aggravating factors, the gravity of the crime committed by the convicts and its ramification upon the entire Nation, they are sentenced as



under:-

*(i) all the three convicts are hereby sentenced to rigorous imprisonment for a period of four years each along with fine of Rs. 50,000/- each for the offence under Section 120B IPC. In case of default in payment of fine they shall suffer simple imprisonment for a period of four months.*

*(ii) Convicts Jaya Jaitly and S.P. Murgai are also sentenced to rigorous imprisonment for a period of four years each along with fine of Rs. 50,000/- each for the offence under Section 9 of Prevention of Corruption Act, 1988. They shall suffer simple imprisonment of four months each in case of non payment of fine.*

23. All the above sentences shall run concurrently.

24. The convict shall be entitled to benefit of Section 428 Cr. P.C.

25. Since, the regular working of the Courts at Delhi has been suspended by the Hon'ble Hight Court in order to prevent the spread of Corona Virus Infection, the arguments on quantum of sentence in this case, were heard through video conferencing and accordingly, this order on sentence is also being pronounced through video conferencing. Hence, the convicts cannot be taken into custody forthwith as they are not physically present before the Court. The convicts are, therefore, given time till 5 pm of this day to surrender before Superintendent, Central Jail, Tihar, Delhi. Should they not

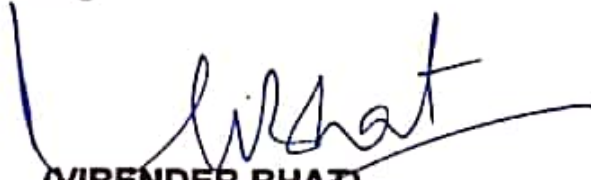
surrender before 5 pm, the concerned Head of Branch, CBI, shall send three separate teams of CBI officers to the residences of the three convicts who shall take the convicts into custody and lodge them in Tihar Jail.

26. A copy of the judgment along with this order on the point of sentence be transmitted forthwith to the accused as well as their counsels through e-mail/whatsapp for information and compliance.

27. A copy of this order be send to the Superintendent, Tihar Jail, through e-mail for his information. He shall report to this Court by tomorrow morning as to whether or not have the convicts been lodged in the jail.

28. The judgment dated 21.07.2020 and today's order on the point of sentence be also uploaded on the CIS during the course of the day.

Announced through Video Conferencing  
on CISCO Webex Meetings App.

  
(VIRENDER BHAT)  
SPL. JUDGE (PC ACT), CBI-15,  
ROUSE AVENUE DISTRICT COURTS,  
NEW DELHI/30.07.2020.

**CBI Case No. 210/2019**  
**CBI Vs. Narayan Diwakar Etc. (Sea Show CGHS)**

**30.07.2020.**

**Present:- Mr. Neetu Singh, Ld. PP for CBI.**  
**Accused No. 4 is already declared P.O vide order dated 16.10.2018.**  
**Proceedings qua A20 have already been abated due to his death.**  
**Accused No. 13, 14, 15, 16 & 18 have already been discharged.**  
**Sh. Abhishek Prasad, Ld. Counsel for A-1 & A-3.**  
**Sh. S.K. Bhatnagar, Ld. Counsel for A-6.**  
**Sh. Anil Kumar, Ld. Counsel for A-2, A-7, A-10 & A-11.**  
**Sh. Amish Dabas, Ld. Counsel for A-19.**  
**Sh. R. Ramachandran, Ld. Counsel for A-12.**  
**Dr. Sushil Kumar Gupta, Ld. Counsel for A-5, A-8 & A-9.**  
**Sh. Amit Khanna, Ld. Counsel for A-17.**

Hearing was conducted today at 11:15 AM through Video Conferencing on Cisco Webex Meeting Platform facilitated by Ahlmad of the Court.

Written submissions on behalf of A-12 Vimal Kumar Aggarwal have been filed and the same are on record.

Ld. PP, Ld. Counsel for A-6 (Sh. S.K. Bhatnagar, Advocate) and Ld. Counsel for A-1 & A-3 (Sh. Abhishek Prasad, Advocate) have sought some more time for filing written submissions. In view of their request, it is directed that Ld. PP

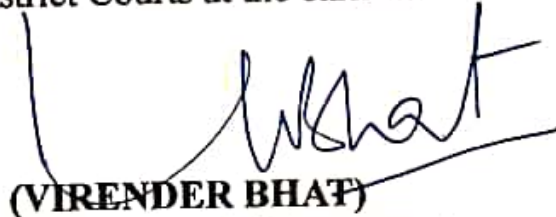
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shall file his written submissions positively on or before 07.08.2020. Whereupon the Ld. Counsels for A-1, A-3 & A-6 shall file their written submissions positively on or before 10.08.2020. It is made clear to all of them that no further time shall be granted in this regard.

List for oral arguments, if required, on 13.08.2020.

The Ahlmad is directed to send the copy of this order to the Computer Incharge, RADDC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



**(VIRENDER BHAT)**  
**SPL. JUDGE (PC ACT): CBI-15**  
**ROUSE AVENUE DISTRICT COURT**  
**NEW DELHI/30.07.2020**

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**30.07.2020.**

**Present:- Mr. Neetu Singh, Ld. PP for CBI.  
IO Insp. Mohan Kumar in person.  
Sh. Harish Kumar Gupta, Ld. Counsel for A-1 &  
A-2.  
Sh. Ram Lal Roy and Sh. Kartik Bharadwaj, Ld.  
Counsels for A-3.  
Sh. Vikas Pahwa, Ld. Senior Advocate alongwith  
Sh. Syed Arham Masud Ld. Counsel for A-4.**

Hearing was conducted today at 10.45 AM through Video Conferencing on Cisco Webex Meeting Platform facilitated by Ahlmad of the Court.

Sh. Kartik Bharadwaj, Advocate submits that he too is appearing for A-3 Santosh Kumar and undertakes to submit his vakalatnama during the course of the day.

Replies have been filed already by CBI to the two separate applications of A-1 & A-4. Copies of replies have been already supplied to Ld. Counsels appearing for A-1 & A-4.

Arguments heard on these two applications for sometime. Applications as well as the replies filed by the CBI have been perused.

In these applications, the applicants have sought directions to CBI to provide to them following documents:-

✓

- (i) Copy of CD containing the 31 recorded calls alongwith Hash Value Certificate;
- (ii) The recording of the two phone calls between A-1 Sh. Surender Kumar and Sh. J.P. Chauhan alongwith the transcript of the conversation as mentioned in Para No. 16.2.14 of the chargesheet;
- (iii) Recordings of all the calls exchanged between the accused persons from 17.01.2018 to 07.02.2018 except the 31 calls which have been mentioned in the chargesheet;
- (iv) Letter dated 06.02.2020 received by DIG, CBI, New Delhi from Regional Provident Fund Commissioner as recorded in the order dated 07.02.2020;
- (v) Letter dated 21.02.2020 written by Regional Provident Fund Commissioner to DIG, CBI as recorded in the order dated 24.02.2020;
- (vi) Communications addressed by CBI requesting the Ministry of Home Affairs for interception of the telephone Number 9871191187, 011-27373903 & 9811061064.

Besides the above documents, A-1 has also sought a copy of the CD which contained CCTV Footage of Hotel

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Radisson Blue, Noida and which has been annexed as D-34 alongwith the chargesheet.

With regards the CD containing the recording of 31 calls allegedly exchanged between the accused persons, which is mentioned at Serial No. 15 in the list of documents filed alongwith the chargesheet and the CD containing CCTV Footage of Hotel Radisson Blue, Noida which is annexed with the D-34 alongwith the chargesheet, it is submitted by Ld. PP that the copies of these CDs need to be prepared in the CFSL, New Delhi and thereupon those copies can be supplied to the accused persons. In view of the same, the IO Inspector Mohan Kumar is hereby directed to get the copies of these two CDs prepared from CFSL New Delhi alongwith Hash Value Certificates and thereafter, to supply those copies of CDs to each of the four accused.

With regards to the two phone calls exchanged between A-1 Surender Kumar and Sh. J.P. Chauhan as mentioned in Para No. 16.2.14 of the chargesheet, Ld. PP as well as the IO submitted that they were not aware of these calls have been recorded or not. Let the IO make enquiry in this regard and file an affidavit on this aspect within two weeks from today. If it comes out that those two calls had been duly recorded, the IO shall also file a CD containing the recording of those two calls alongwith their transcripts.

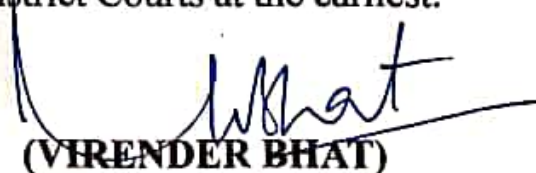
At this juncture, it was submitted by Mr. Pahwa, Ld. Senior Counsel that he has filed a writ petition bearing W.P. (Crl.)

No. 1147 of 2020 in the Hon'ble High Court on behalf of A-3 Santosh Kumar wherein the vires of the relevant provisions of Posts & Telegraphs Act have been challenged and Hon'ble High Court has issued notice in the writ petition to Union of India and other Respondents for 09.09.2020. He requests that further arguments on these two applications may be heard after 09.09.2020 for the reason that some orders may be passed by the Hon'ble High Court in the aforesaid writ petition on 09.09.2020 which may have bearing upon this case also.

A copy of the order dated 29.07.2020 passed by the Hon'ble High Court in the aforesaid writ petition has been sent to this court vide E-mail during the course of the hearing of this case, which has been perused by this court.

Accordingly, list for further arguments on the above two applications on 17.09.2020.

The Ahlmad is directed to send the copy of this order to the Computer Incharge, RADDC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



**(VIRENDER BHAT)**  
**SPL. JUDGE (PC ACT): CBI-15**  
**ROUSE AVENUE DISTRICT COURT**  
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**CBI Case No. 34/2019**

**CBI Vs. Jayalakshmi Jaitly @ Jaya Jaitly etc.**

**30.07.2020 (At 12:30 pm)**

**Present: None.**

An application has been received on behalf of convict Gopal Pacherwal stating therein that he is a resident of District Boondi, Rajasthan and had joined the hearing of this case from his residence through Webex Meetings App. It has further been stated in the application that the District Administration of District Boondi, Rajasthan has declared complete lockdown in the entire District till 04.08.2020 due to Covid-19 and therefore, it is not possible for the applicant to travel to Delhi and to surrender in Tihar Jail today as directed vide the order on sentence pronounced by this Court.

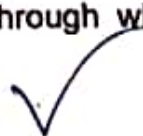
Prayer has been made to permit the applicant to surrender on or after 05.08.2020.

A copy of the first page of Daily Newspaper of Boondi Bhaskar dated 28.07.2020 has been annexed along with the application.

Perusal of the aforesaid page of the newspaper, Boondi Bhaskar reveals that the complete lockdown has been declared in District Boondi, Rajasthan for 8 days i.e. till 12 midnight of 04.08.2020.

In view thereof, it is evident that the convict Gopal Pacherwal won't be able to travel to Delhi today to surrender before Superintendent, Tihar Jail, Delhi. Therefore, he is now directed to surrender before 5 pm on 05.08.2020. In case he fails to do so, further appropriate orders would be passed qua him.

A copy of this order be transmitted to the convict Gopal Pacherwal as well as his counsel through whatsapp/e-mail etc. for their information and compliance.





A copy of this order be also transmitted through whatsapp/e-mail etc to Superintendent, Tihar Jail, Delhi for his information. He shall report to this Court by the evening of 05.08.2020 as to whether or not has convict Gopal Pacherwal surrendered in the jail.

A copy of this order be sent to the Computer Branch, Rouse Avenue District Courts, New Delhi to be uploaded on the official website of Delhi District Courts forthwith.



**(VIRENDER BHAT)**  
**SPL. JUDGE (PC ACT), CBI-15,**  
**ROUSE AVENUE DISTRICT COURTS,**  
**NEW DELHI/30.07.2020.**