

**IN THE COURT OF SHRI AJAY GULATI,
SPECIAL JUDGE (PC ACT), CBI-12,
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

CC No. 18/2020

RC No. 50(A)-2005

Central Bureau of Investigation

Versus

Dr. Hamidullah Bhat

ORDER OF COGNIZANCE

1. An FIR under Section 13(2) read with Section 13(1)(e) of the *Prevention of Corruption Act* was registered by the CBI on 29.9.2005 on the basis of reliable information to the effect that during the period January 1997 (inadvertently mentioned in the charge-sheet as 1999) to September 2005, accused Dr. Hamidullah Bhat, while working in HRD Ministry and posted as Director in National Council for promotion of Urdu language, drawing salary in the scale of Rs.14,300/- to Rs. 18,300/-, has amassed assets, both movable and immovable, disproportionate to his known sources of income.

2. Subsequent to the investigation, a closure report under Section 173 of the Cr. PC was filed by the CBI before the learned Special Judge, CBI, Delhi in September 2007 as the disproportionate assets were very nominal for which the case was not considered fit by

the CBI for sending the same to the trial. However, learned Special Judge did not accept the said closure report and returned the same to CBI vide order dated 29.1.2008 with directions to conduct further investigation on the suggested pointers. In compliance of the said order, further investigation was carried out. However, again a closure report was filed before the court in December 2008 which report was again declined by the learned Special Judge. Vide order dated 20.3.2010 further directions were given to investigate on the suggested pointers.

In compliance of the order dated 20.3.2010, further investigation was conducted by the CBI whereafter charge-sheet was preferred against the accused. However, the learned Special Judge vide order dated 2.12.2013 again directed the CBI to carry out further investigation on 5 aspects. CBI then filed its response on these 5 aspects also.

3. The charge-sheet reflects that the accused after completing his Ph.D. from Kashmir University, joined as Assistant Registrar in 1980 in University of Kashmir and was subsequently promoted to the post of Deputy Registrar. He further held the charge of Joint Registrar in UGC pay scale. Later, the accused joined as Registrar of Jamia Hamdard University in the year 1991 and after completing his tenure of 5 years, he joined Jammu University as OSD/Deputy Registrar from where he was selected by Govt. of India as Director of National Council for Promotion of Urdu Language in

the yr. 1997, in the scale of Rs. 14,500 – 18,500/-. At the time of registration of the present case, the basic pay of the accused was Rs. 17,500/-.

The wife of accused was also working in the Directorate of Education at Kashmir **until** the accused shifted to Delhi in the year 1991. She was also getting various amounts from her brother Dr. Ishtiaque Shafie Ahmad, a resident of UAE. The accused was allotted a house at *Peerbagh*, Srinagar by the Jammu & Kashmir Housing Co-operative Housing for Rs. 4,50,000/- in 1989-90 and while working as Deputy Registrar, Jammu & Kashmir University, the accused had made payment towards the above-said house **i.e.** before the check period. The charge-sheet also reflects that there were heavy transactions in the account of the wife of the accused but which were infact gifts given to her by her brother. The couple has two sons one of whom is attending college and the other is school going.

4. The check period was considered from January 1997 to September 2005 for which period the salary and other allowance of the accused was taken as Rs. 20,25,000/- (appx). The accused was maintaining a lavish life style, including a centrally air -conditioned house in a posh area.

The charge-sheet reflects that from the time the accused joined Central Government Service till registration of the case, maximum assets were acquired. The assets (movable and immovable)

in the name of the accused and his other family members **before** the check period have been calculated as Rs. 11,53,257/- whereas the assets (movable and immovable) at the **end of check period** in the name of accused and his family members were calculated as Rs. 66,52,511/- **i.e.** which were acquired during the check period i.e. 1.1.1997 till 30.9.2005. The investigation further revealed that accused and his wife Ms. Asmat Ara earned income from different sources during the check period worth Rs. 56,99,586/-, which amount is inclusive of *take home salary* of the accused, arrears and interest accrued on various bank accounts, withdrawal from GPF, loan for purchasing the car, sale of properties and rental income of house in the name of Ms. Asmat Ara (wife of accused) and an amount of Rs. 65,873/- towards salary of the accused from University of Kashmir for the period 1.6.1997 to 11.6.1997.

The investigation also revealed that the accused claimed to have received Rs. 15,50,000/- towards sale consideration of property bearing No. D-3, Gulberg Cooperative Society, Peer Bagh, Airport Road, Srinagar, which fact could not be established during investigation hence benefit of claimed additional income of Rs. 15,50,000/- was not given to the accused. This immovable property was purchased in the pre-check period. The detailed reasons for not giving the benefit of claimed sale of above property in computation of income of the accused have been mentioned in the charge-sheet. The investigation also revealed that the accused, his wife and the two

children incurred expenses to the tune of Rs. 21,03,636/- during the check period i.e. 1.1.1997 to 30.9.2005. Further, calculation of disproportionate assets in the name of the accused and his other family members were summarized to the tune of Rs. 19,03,304/- which is 33.39% of the calculated income for which the accused could not satisfactorily account for. Details are as follows :

S.N.	Description of Expenditure	Amount in Rs.
1	Assets at the beginning of check period (Statement A)	11,53,257/-
2	Assets at the end of check period (Statement B)	66,52,511/-
3	Income during check period (Statement C)	56,99,586/-
4	Expenditure during check period (Statement D)	21,03,636/-
5	Assets acquired during check period (B-A)	54,99,254/-
6	Likely Savings (C-D)	35,95,950/-
7	Disproportionate Assets (B-A) – (C-D)	19,03,304/-
8	Percentage of DA to total income	33.39%

The above facts disclose commission of offence under Section 13(2) read with Section 13(1)(e) of PC Act.

The necessary sanction under Section 19 of PC Act, 1988 dated 27th January 2020 for prosecution of the accused who was a public servant, was accorded by the competent authority Shri Sanjay Kumar, Under Secretary, Govt. of India, which has also been placed on record along with the charge-sheet filed before the court.

I have perused the charge-sheet, statements of witnesses

recorded under Section 161 of Cr. PC and the documents placed on record along with the charge-sheet on the basis of which I find that prima facie offence punishable under Section 13(2) read with Section 13(1)(e) of PC Act is made out.

Accordingly, I take cognizance of the offence punishable under Section 13(2) read with Section 13(1)(e) of PC Act, alleged to have been committed by accused Dr. Hamidullah Bhat.

The accused be summoned for 14.8.2020.

Announced through Video Conference

Dated : 29.7.2020

**(AJAY GULATI)
Spl. Judge (PC Act),CBI-12
RADCC / New Delhi**