

IN THE COURT OF SH. CHANDRA SHEKHAR, LD.SPECIAL  
JUDGE, CBI-19 (PC ACT), ROUSE AVENUE DISTRICT COURTS,  
NEW DELHI

FIR No. RC-DAI-2020-A-0024

PS: CBI, ACB, New Delhi

U/s: 7, 7-A, 8 & 9 PC Act & 120-B IPC

Ram Krishan Mishra v. CBI

04.09.2020 at 4.00 pm

(Presence through CISCO WEBEX MEETINGS APP)

Ld. Counsel Sh. Arvind Kumar Shukla,

Ld. Public Prosecutor Sh. Amit Kumar for CBI.

ORDER ON BAIL APPLICATION OF ACCUSED RAM KRISHAN  
MISHRA

An application seeking regular bail was filed on behalf of accused Ram Krishan Mishra on 27.08.2020 before Ld. District & Sessions Judge-cum-Special Judge (PC Act) Ms. Sujata Kohli, Rouse Avenue District Courts, New Delhi, who assigned the same to this court, for hearing and disposal of the same.

2. A notice of the application was given to CBI, which opposed the application by filing reply. Copy of the same was supplied to the Ld. Counsel of the accused.

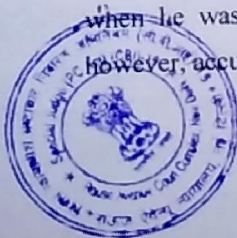
3. I have heard the submissions of both the parties on the aforesaid bail application of the accused Ram Krishan Mishra.

The case of CBI concisely, is that accused Saurav Sharma was posted as Appraiser at Inland Container Depot, Tughlakabad, New Delhi; he is asked to inspect and clear import consignments under discharge of his



official duties; the accused Ram Krishan Mishra, an employee of M/s. Imexcon, 23/5, 1st floor, East Patel Nagar, New Delhi, accused Ravi Sharma, an employee of M/s. Him Logistics Pvt. Ltd., 2151, 3D, New Patel Nagar, Shadipur, New Delhi and accused Omkar Singh, an employee of M/s. Uniclear were working as Custom House Agents; they alongwith some other persons were in conspiracy with accused Saurav Sharma, who used to take illegal gratification from the Custom House Agents for undue clearance of import consignments. In July 2020, the accused Saurav Sharma was transferred to Chennai, as Appraiser and deputed in the office of Chief Commissioner of Customs, Customs House, 60, Kishan Block, Rajaji Salai, Opp.: District Collectorate, Chennai, Tamil Nadu. But, despite transfer accused Saurav Sharma was regularly pursuing parties for payment of pending dues of illegal gratification through aforesaid Custom House Agents. They used to converse in code language; the Special Unit of CBI got the information about the aforesaid facts and with permission of competent authority, intercepted and recorded a series of their telephonic conversation. On 17.08.2020, the accused Ram Krishan Mishra handed over an amount of Rs. 7 lakh (Rupees seven lakh only) to accused Kishore Kumar to be given to other accused Neeraj Kumar at the instance of accused Saurav Sharma. The CBI arrested the accused persons and recovered the said amount from accused Neeraj Kumar. A case u/s 120-B IPC r/w section 7, 7-A, 8 & 9 of the Prevention of Corruption Act, 1988 (as amended in 2018) was registered on the basis of source information against the said accused persons and others and matter is under investigation.

4. Ld. Defence Counsel on behalf of the accused Ram Krishan Mishra, in brief, submitted that accused is aged about 52 years, he was an employee of M/s. Imexcon Pvt. Ltd. since 1995 and was working as Custom Clearance Agent; he used to visit Inland Container Depot, Tughlakabad, New Delhi; he was not having any official interaction with accused Saurav Sharma when he was posted in Delhi or after he was transferred to Chennai; however, accused being custom clearing agent, used to visit the aforesaid

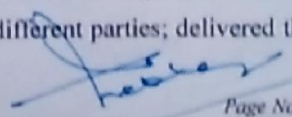


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office of Customs at Tughlakabad, New Delhi therefore, he knew accused Saurav Sharma; who occasionally, used to make phone calls to him; he did not collect any amount of illegal gratification for accused Saurav Sharma, he never talked to accused Saurav Sharma or any other accused in code language; he has been falsely implicated and illegally arrested by CBI in the present case; no recovery has been effected from him; he has fully cooperated with the CBI during investigation; he has already handed over documents of ownership of his properties to CBI, which is an assurance that he will not flee from justice and further cooperate with CBI, he is not in a position to influence any witness; CBI had recorded his conversation under coercion during investigation; his arrest, merely based on suspicion, is in violation of case law titled as *Arnesh Kumar v. State of Bihar, 2014 (8) SCC 273*; the CBI has alleged demand and delivery of money but there is no evidence on record that same was to be paid to accused Saurav Sharma as illegal gratification or to meet his undue demands for doing some official work or the work he has already done; he is the only bread earner of his family; his services have been terminated by the company and he has no other source of income; the whole family is dependent upon him; no purpose shall be served if the accused is kept in judicial custody in the wake of pandemic COVID-2019 when Hon'ble Supreme Court of India and the Hon'ble High Court of Delhi have released numerous accused of serious and grievous offences from the jails to maintain physical distance to control the spread of the pandemic and even extended the period of their bail; he is ready to abide by any condition imposed on him. Ld Counsel has relied upon aforecited case and *P. Chidambaram v. CBI (2019) SCC Online 1380* and requests that accused Ram Krishan Mishra may be released on bail.

5. Ld. Public Prosecutor for CBI and the IO in nutshell, have submitted that accused Ram Krishan Mishra used to talk to accused Saurav Sharma in code language; he used to collect amounts of illegal gratification for accused Saurav Sharma; he had collected the illegal gratification of Rs. 7 lakh (Rupees seven lakh only) from different parties; delivered that amount

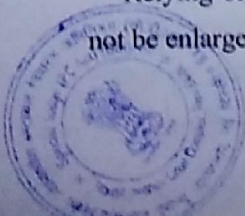


  
Page No. 3 of 7

to accused Kishore Kumar at the instance of accused Saurav Sharma. The accused Kishore Kumar had given that amount to accused Neeraj Kumar through one Sonu, who was delivery boy of accused Neeraj Kumar. The said amount was to be paid by accused Neeraj Kumar to accused Saurav Sharma but CBI intercepted the conversation, arrested the accused persons and recovered the said amount from accused Neeraj Kumar; the transcript of recorded conversation explicitly suggests that accused persons were talking in code language to avoid detection of crime; the accused Ram Krishan Mishra made calls to other accused persons voluntarily and gave his voice samples without any coercion or undue influence but, he has not cooperated during investigation and has not disclosed the complete and true facts; he may abscond and tamper with the evidence if he is enlarged on bail; the judicial custody of accused Ram Krishan Mishra is essentially required to avoid tampering of evidence. Ld. Public Prosecutor for CBI has relied upon the following judgments to support his submissions:

- (a) Mallampati Gandhi, Appellant v. State of Telangana, Respondent (2018) 2 ALT (Cri.) 1;
- (b) CBI, Appellant v. Upendra Rai, Respondent (2018) 8 AD (Delhi) 321;
- (c) Nimmagadda Prasad, Appellant v. CBI decided by the Hon'ble Supreme Court of India in 1 Cri. Appeal no. 728 of 2013 on 09.05.2013;
- (d) Serious Fraud Investigation Office; Appellant v. Nittin Johari and Another, Respondents decided by the Hon'ble Supreme Court of India in Cri. Appeal no. 138 of 2019 on 12.09.2019 and;
- (e) Superintendent of Police, CBI and Ors., Appellant v. Tapan Kumar, Singh, Respondent in Cri. Appeal no. 938 of 19995 decided on 10.04.2003.

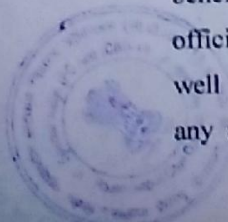
Relying on the aforesaid judgments, he requests that accused may not be enlarged on bail.



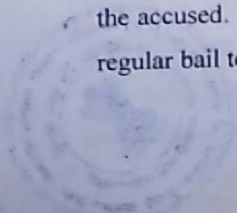
6. I have considered the submissions of Ld. Defence Counsel for the accused, Ld. Public Prosecutor and IO for CBI perused the judicial record, cited case law and relevant provision of law.

(a) It is writ large that granting of bail in non-bailable offences is a judicial discretion, which enormously depends on facts and circumstances of each case and varies case to case. The judicial discretion though varies discreetly, is guided by some judicially recognized, valuable factors. In brief, the same are: considering nature and gravity of offence, antecedents of accused, circumstances peculiar to the accused, apprehension of tampering of evidence, possibility of influencing the witnesses, securing of presence of accused and larger interest of justice and impact of the offence on the society. Therefore, these important factors are essentially required to be considered at the time of deciding and disposing off a bail application of accused.

(b) Applying the aforesaid factors in the present case, it is observed that even if the case of the CBI is believed to be true at its face value, the facts brought on record are that the accused Saurav Sharma telephonically talked with the accused Ram Krishan Mishra to collect some amount from some persons and he gave directions to the accused Ram Krishan Mishra to pay whatever amount is with him to accused Kishore Kumar and they talked in code language; the accused Ram Krishan Mishra had delivered an amount of Rs. Seven lakh to accused Kishore Kumar, which was later on recovered from the possession of accused Neeraj Kumar. But, it is most momentous that though allegations of demand, delivery and recovery of amount are there on record but, the allegations that the demand and delivery of the amount was made as illegal gratifications to be paid to the accused Saurav Sharma by accused Ram Krishan Mishra or accused Neeraj Kumar or any other accused or person for granting undue privilege or benefit to any of the accused, party or person in discharge of his official duties of clearing the import consignments are not there. It is well established legal proposition that mere demand and delivery of any amount is not sufficient to attract the alleged provision under



section 120B IPC or alleged provisions of Prevention of Corruption Act, 1988. It is most significant that the demand and delivery of the amount must be for illegal purposes or for illegal gratification in discharge of official duties of accused. Therefore, at this stage, it seems that on legal aspect, the case against the accused Ram Krishan Mishra is doubtful. The case no doubt, is still at initial stage but, the court cannot be oblivion of the facts that as per case of CBI the interception of conversation between accused persons was taking place since March, 2020, the police custody remand of the accused persons were taken but, no evidence till date could be collected by CBI that the money demanded and delivered was to be paid to accused Saurav Sharma only for the purpose of doing some illegal act or for illegal gratification for undue discharge of his duties. At this stage, the case of the CBI is based on suspicion and suspicion howsoever strong cannot be evidence. There must be at least allegations at this stage in the form of statement of some witness(s) or through some documentary evidence that demand and delivery were for doing or have done some illegal work or for illegal gratification, which is missing. It seems that it is the most potential point which goes in favour of the accused at this stage. The issue of nature and gravity of the offence is also closely connected with the said legal aspect. It is claimed by the accused that he has clean antecedents and no other case is pending against him, the IO has not rebutted the same, the voice samples of the accused have already been collected by the CBI; the identity of the speakers in intercepted conversation can only be confirmed after report of CFSL, which will take considerable time. Keeping the accused in judicial custody, awaiting the report, is not in the interest of justice. The apprehension of CBI that the accused may tamper with evidence, influence the witnesses or flee from justice can be taken care of by imposing suitable conditions while granting bail to the accused. Therefore, it seems it is in the interest of justice to grant regular bail to the accused Ram Krishan Mishra.



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7. The accused Ram Krishan Mishra is accordingly admitted on bail u/s 439 Cr.P.C. subject to the conditions that (1) accused shall furnish his personal bond in the sum of Rs. 1,00,000/- (Rupees one lakh only) with one surety in the like amount, (2) he shall not leave the country without permission of the court and deposit his passport with IO within a period of seven working days from his release from the jail, (3) he shall furnish his current address to the IO and report any change therein immediately to the IO and to the court, (4) after release from jail, he shall furnish his active mobile number and e-mail address to the IO within a period of seven working days and will be available physically before the IO whenever the IO requires his physical presence for the purpose of further investigation as per law, (5) he shall not do any act or conduct, due to which a reasonable inference may be drawn that he is trying to tamper with the evidence or trying to influence or threaten or win over them.

The accused may furnish his personal bond and surety bond before the Ld. Concerned Duty Magistrate as per prevailing procedure. The application of the accused Ram Krishan Mishra is allowed and disposed of accordingly.

A copy of this order is being sent through Whats App to Sh. Raj Kumar, Reader of this court with a direction to get this order uploaded on the official website of Delhi District Courts at the earliest through Computer Branch, Rouse Avenue Courts Complex, New Delhi. He is also directed to send a Whats App copy of the order to the respective counsel of the parties at the earliest. A signed hard copy of the order shall be placed on record as soon as work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.

Dated: 04.09.2020

CHANDRA SHEKHAR

Special judge, CBI-19 (PC Act)  
Rouse Avenue District Courts, New Delhi

श्री चन्द्र शेखर  
Sh. Chandra Shekhar  
Special Judge PC Act (CBI)-19  
कमरा नं. 404, चौथी मंजिल  
राजजं रोड न्यू रौस एवेंयु कोर्ट कॉम्प्लेक्स  
नई दिल्ली  
New Delhi

IN THE COURT OF SH. CHANDRA SHEKHAR, LD.SPECIAL  
JUDGE, CBI-19 (PC ACT), ROUSE AVENUE DISTRICT COURTS,  
NEW DELHI

FIR No. RC-DAI-2020-A-0024

PS: CBI, ACB, New Delhi

U/s: 7, 7-A, 8 & 9 PC Act & 120-B IPC

Neeraj Kumar v. CBI

04.09.2020 at 4.00 pm

(Presence through CISCO Webex Meetings App)

Ld. Counsel Sh. Sarvendra Singh for accused Neeraj Kumar.

Ld. Public Prosecutor Sh. Amit Kumar with IO/Inspector N.

C. Naval for the CBI.

ORDER ON BAIL APPLICATION OF ACCUSED  
NEERAJ KUMAR

An application seeking regular bail was filed on behalf of accused Neeraj Kumar on 27.08.2020 before Ld. District & Sessions Judge-cum-Special Judge (PC Act) Ms. Sujata Kohli, Rouse Avenue District Courts, New Delhi, who assigned the same to this court, for hearing and disposal of the same.

2. A notice of the application was given to CBI, which opposed the application by filing reply. Copy of the same was supplied to the Ld. Counsel of the accused.

3. I have heard the submissions of both the parties on the bail application of the accused Neeraj Kumar.

The case of CBI concisely, is that accused Saurav Sharma was posted as Appraiser at Inland Container Depot, Tughlakabad, New Delhi; he used to inspect and clear import consignments under discharge of his official duties; the accused Ram Krishan Mishra, an employee of M/s. Jaxxon, 23/5, 1st floor, East Patel Nagar, New Delhi, accused Ravi Sharma, an employee of M/s. Him Logistics Pvt. Ltd., 2151, 3D, New Patel Nagar, Shadipur, New Delhi and accused Omkar Singh, an





employee of M/s. Uniclear were working as Custom House Agents; they alongwith some other persons were in conspiracy with accused Saurav Sharma, who used to take illegal gratification from the Custom House Agents for undue clearance of import consignments. In July 2020, the accused Saurav Sharma was transferred to Chennai, as Appraiser and deputed in the office of Chief Commissioner of Customs, Customs House, 60, Kishan Block, Rajaji Salai, Opp.: District Collectorate, Chennai, Tamil Nadu. But, despite transfer accused Saurav Sharma was regularly pursuing parties for payment of pending dues of illegal gratification through aforesaid Custom House Agents. They used to converse in code language; the Special Unit of CBI got the information about the aforesaid facts and with permission of competent authority, intercepted and recorded a series of their telephonic conversation. On 17.08.2020, the accused Ram Krishan Mishra handed over an amount of Rs. 7 lakh (Rupèes seven lakh only) to accused Kishore Kumar to be given to other accused Neeraj Kumar at the instance of accused Saurav Sharma. The CBI arrested the accused persons and recovered the said amount from accused Neeraj Kumar. A case u/s 120-B IPC r/w section 7, 7-A, 8 & 9 of the Prevention of Corruption Act, 1988 (as amended in 2018) was registered on the basis of source information against the said accused persons and others and matter is under investigation.

4. Ld. Defence Counsel on behalf of the accused Neeraj Kumar, in brief, has submitted that the accused is a Custom House Agent; he has an import clearance agency in the name and style of M/s. P.C.C. Consultant at A-73, Gazipur Village, near CWC, Patparganj, Delhi-110096; he is not named in the FIR; he has been falsely implicated and arrested on the basis of some phone calls and whats app records; he is having family relations with accused Saurav Sharma who had financially helped him at the time of his marriage; he never got cleared any shipments through accused Saurav Sharma; the accused is suffering from high blood pressure and diabetes and falls under high risk category of persons who may be infected from pandemic COVID-2019; the offences alleged against the accused are punishable maximum for seven years therefore,



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the same are not in the category of grave offences; he is a person of clean antecedents and there is no other pending case against him; he has deep roots in the society; he is not able to influence any of the witnesses; moreover, the investigation is being carried out by the CBI which is a reputed investigation Agency; he has cooperated and is ready to cooperate in further investigation and abide by all the conditions imposed upon him for granting bail; the recovery has already been effected and no purpose shall be served in keeping the accused in judicial custody in the wake of pandemic COVID-2019 when Hon'ble Supreme Court of India and the Hon'ble High Court of Delhi have released numerous accused of serious and grievous offences from the jails to maintain physical distance to control the spread of pandemic COVID-2019 and even extended the period of their bail. Ld Counsel has relied upon following case law:

- (a) P. Chidambaram v. CBI (2019) SCC Online 1380;
- (b) Sanjay Chandra v. CBI (2012) 1 SCC;
- (c) Bail Application no. 1353/2020 titled as Shivender Mohan Singh v. Directorate of Enforcement;
- (d) Anil Mahajan v. Commissioner of Customs 2002 (2) JCC Delhi 302;
- (e) Suo Motto (Writ Petition) (C) no. 1/2020 in re: Contagion of COVID-2019 virus in prisoners;
- (f) Mukhtiyar Singh v. State of Punjab (2017) 8 SCC 136.

Relying upon the above case law Ld. Counsel requests that accused Neeraj Kumar may be released on bail.

5. Ld. Public Prosecutor for CBI and the IO submitted that accused Neeraj Kumar, as per the directions of accused Saurav Sharma asked accused Kishore Kumar to collect the amount of Rs. Seven lakh from accused Ram Krishan Mishra. The accused Kishore Kumar collected the foresaid amount from accused Ram Krishan Mishra and delivered the same to delivery boy Sonu sent by accused Neeraj Kumar. The delivery boy Sonu delivered the said amount to accused Neeraj Kumar and the



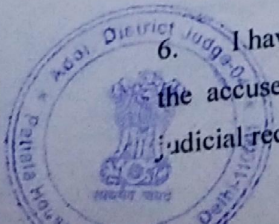
said amount was recovered from the possession of accused Neeraj Kumar. The accused persons got recorded his statement and sample voices during investigation without any coercion or undue influence. The whats app message sent to accused Neeraj Kumar about receipt of amount has also been found in the mobile phone of accused Neeraj Kumar therefore, the accused Neeraj Kumar is actively involved in conspiracy and commission of the crime. The accused Neeraj Kumar, if enlarged on bail, may abscond and tamper with evidence and influence the witnesses; the judicial custody of the accused is required to avoid tampering of evidence. The IO has verified the medical record of the accused and the concerned Doctor has reported on whats app that the medical record is genuine.

Ld. Public Prosecutor for CBI has relied upon the following judgments to support his submissions:

- (a) Mallampati Gandhi, Appellant v. State of Telangana, Respondent (2018) 2 ALT (Cri.) 1;
- (b) CBI, Appellant v. Upendra Rai, Respondent (2018) 8 AD (Delhi) 321;
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- (d) Serious Fraud Investigation Office; Appellant v. Nittin Johari and Another, Respondents decided by the Hon'ble Supreme Court of India in Cri. Appeal no. 138 of 2019 on 12.09.2019 and;
- (e) Superintendent of Police, CBI and Ors., Appellant v. Tapan Kumar Singh, Respondent in Cri. Appeal no. 938 of 19995 decided on 10.04.2003.

Relying on the aforesaid judgments, he requests that accused may not be enlarged on bail.

6. I have considered the submissions of Ld. Defence Counsel for the accused, Ld. Public Prosecutor and IO for CBI perused the judicial record, cited case law and relevant provision of law.



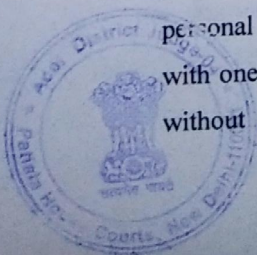
(a) It is writ large that granting of bail in non-bailable offences is a judicial discretion, which enormously depends on facts and circumstances of each case and varies case to case. The judicial discretion though varies discreetly, is guided by some judicially recognized, valuable factors. In brief, the same are: considering nature and gravity of offence, antecedents of accused, circumstances peculiar to the accused, apprehension of tampering of evidence, possibility of influencing the witnesses, securing of presence of accused and larger interest of justice and impact of the offence on the society. Therefore, these important factors are essentially required to be considered at the time of deciding and disposing off a bail application of accused.

(b) Applying the aforesaid factors in the present case, it is observed that even if the case of the CBI is believed to be true at its face value, the facts brought on record are that the accused Saurav Sharma telephonically talked with the accused Ram Krishan Mishra to collect some amount from some persons and he gave directions to the accused Ram Krishan Mishra to pay whatever amount is with him to accused Kishore Kumar and they talked in code language; the accused Ram Krishan Mishra had delivered an amount of Rs. Seven lakh to accused Kishore Kumar, which was later on recovered from the possession of accused Neeraj Kumar. But, it is most momentous that though allegations of demand, delivery and recovery of amount are there on record but, the allegations that the demand and delivery of the amount was made as illegal gratifications to be paid to the accused Saurav Sharma by accused Ram Krishan Mishra or accused Neeraj Kumar or any other accused or person for granting undue privilege or benefit to any of the accused, party or person in discharge of his official duties of clearing the import consignments are not there. It is well established legal proposition that mere demand and delivery of any amount is not sufficient to attract the alleged provision under section 120B IPC or alleged provisions of Prevention of Corruption Act, 1988. It is most significant that the demand and delivery of the



amount must be for illegal purposes or for illegal gratification in discharge of official duties of accused. Therefore, at this stage, it seems that on legal aspect, the case against the accused Neeraj Kumar is doubtful. The case no doubt, is still at initial stage but, the court cannot be oblivious of the facts that as per case of CBI the interception of conversation between accused persons was taking place since March, 2020, the police custody remand of the accused persons were taken but, no evidence till date could be collected by CBI that the money demanded and delivered was to be paid to accused Saurav Sharma only for the purpose of doing some illegal act or for illegal gratification for undue discharge of his duties. At this stage, the case of the CBI is based on suspicion and suspicion howsoever strong cannot be evidence. There must be at least allegations at this stage in the form of statement of some witness(s) or through some documentary evidence that demand and delivery were for doing or have done some illegal work or for illegal gratification, which is missing. **It seems it** is the most potential point which goes in favour of the accused at this stage. The issue of nature and gravity of the offence is also closely connected with the said legal aspect. It is claimed by the accused that he has clean antecedents and no other case is pending against him, the IO has not rebutted the same, The IO on inquiry has submitted that there is no transcript of recorded conversation between accused Neeraj Kumar and other accused persons. The apprehension of CBI that the accused may tamper with evidence, influence the witnesses or flee from justice can be taken care of by imposing suitable conditions while granting bail to the accused. Therefore, it seems it is in the interest of justice to grant regular bail to the accused Neeraj Kumar.

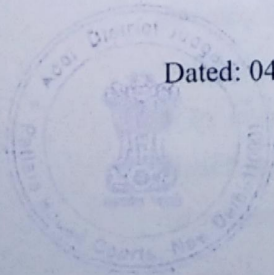
7. The accused Neeraj Kumar is accordingly admitted on bail u/s 439 Cr.P.C. subject to the conditions that (1) accused shall furnish his personal bond in the sum of Rs. 1,00,000/- (Rupees one lakh only) with one surety in the like amount, (2) he shall not leave the country without permission of the court and deposit his passport with IO



within a period of seven working days from his release from the jail, (3) he shall furnish his current address to the IO and report any change therein immediately to the IO and to the court, (4) after release from jail, he shall furnish his active mobile number and e-mail address to the IO within a period of seven working days and will be available physically before the IO whenever the IO requires his physical presence for the purpose of further investigation as per law, (5) he shall not do any act or conduct, due to which a reasonable inference may be drawn that he is trying to tamper with the evidence or trying to influence or threaten or win over them.

The accused may furnish his personal bond and surety bond before the Ld. Concerned Duty Magistrate as per prevailing procedure. The application of the accused Neeraj Kumar is allowed and disposed of accordingly.

A copy of this order is being sent through Whats App to Sh. Raj Kumar, Reader of this court with a direction to get this order uploaded on the official website of Delhi District Courts at the earliest through Computer Branch, Rouse Avenue Courts Complex, New Delhi. He is also directed to send a Whats App copy of the order to the respective counsel of the parties at the earliest. A signed hard copy of the order shall be placed on record as soon as work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.



Dated: 04.09.2020

श्री चन्द्र शेखर  
Sh. Chandra Shekhar  
श्रीत न्यायाधीश, प्रत्यक्ष न्यायालय (सी.पी.डी.)-१९  
Special Judge PC Act (CBI)-19  
कमरा नं. ४०४, चौथी मंजिल  
Rouse Avenue District Courts, New Delhi  
Room No 404, 4th Floor  
राकेश एडिशन न्यायालय परिसर  
Rouse Avenue Court Complex  
नई दिल्ली  
New Delhi

IN THE COURT OF SH. CHANDRA SHEKHAR, LD.SPECIAL  
JUDGE, CBI-19 (PC ACT), ROUSE AVENUE DISTRICT COURTS,  
NEW DELHI

FIR No. RC-DAI-2020-A-0024

PS: CBI, ACB, New Delhi

U/s: 7, 7-A, 8 & 9 PC Act & 120-B IPC

Kishore Kumar v. CBI

04.09.2020 (At 04:00 p.m.)

Presence:

(Through CISCO Webex Meetings App)

Ld. Defence Counsel Sh. Navneet Panwar for accused  
Kishore Kumar.

Ld. Public Prosecutor Sh. Amit Kumar for the CBI.

Today no time is left for passing order on this application  
due to passing orders in bail applications of accused Neeraj Kumar  
and accused Ram Kishan Mishra therefore, put up for passing order  
on 05.09.2020.

A copy of this order is being sent through Whats App to Sh.  
Raj Kumar, Reader of this court with a direction to get this order  
uploaded on the official website of Delhi District Courts at the  
earliest through Computer Branch, Rouse Avenue Courts Complex,  
New Delhi. He is also directed to send a Whats App copy of the  
order to the respective counsel of the parties at the earliest. A  
signed hard copy of the order shall be placed on record as soon as  
work is resumed from the Court premises of Rouse Avenue District  
Courts, New Delhi.



Dated: 04.09.2020

CHANDRA SHEKHAR

Special judge, CBI-19 (PC  
Rouse Avenue District Courts

श्री चन्द्र शेखर

Sh. Chandra Shekhar

विशेष न्यायाधीश, इन्टर नेशनल कॉन्सिल, (सी.बी.आई.)

Special Judge PC Act (CBI)-19

कोर्ट नं. 404, रौसे अवेन्यू

न्यू दिल्ली

फोन नं. 404, 404 फ्लोर

राजेंद्र प्रियदर्शन न्यायालय परिसर-

नया दिल्ली

Page No. 1 of 1

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CBI v. KRS Murthi & Ors.  
U/s: 120B, 420 IPC & 13(2)  
r/w 13(1)(d) of PC Act  
(App. U/s 340 Cr.P.C. moved by A-6)

04.09.2020

Presence:

(Through CISCO Webex Meeting)

Ld. Special Public Prosecutor Sh. V. S. Shukla for the CBI.

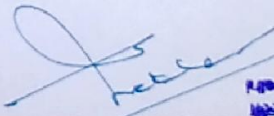
Accused no. 6/applicant Veena Sri Ram Rao is permanently exempted from personal appearance till conclusion of arguments on charge in main case CIS no. 190/2019.

Ld. Counsel Sh. Chirag Madan for accused no. 6.

Put up with connected matter on 30.09.2020.

A copy of this order is being sent through Whats App to Sh. Raj Kumar, Reader of this court with a direction to get this order uploaded on the official website of Delhi District Courts at the earliest through Computer Branch, Rouse Avenue Courts Complex, New Delhi. He is also directed to send a Whats App copy of the order to the respective counsel of the parties at the earliest. A signed hard copy of the order shall be placed on record as soon as work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.



  
(CHANDRA SHEKHAR)  
Special Judge, CBI  
Rouse Avenue Courts, New Delhi

04.09.2020

Special Judge (C)  
Rouse Avenue Courts Complex  
New Delhi



CIS No. 190/2019  
CBI v. KRS Murthi & Ors.  
U/s: 120B, 420 IPC & 13(2)  
r/w 13(1) (d) of PC Act

04.09.2020

Presence:

(Through CISCO Webex Meeting)

Ld. Special Public Prosecutor Sh. V. S. Shukla for CBI.

None for the accused no. 1.

*Proceedings qua accused no. 2 Ramachandran Vishwanathan and accused no. 3 Muthgadahali Gangarudraiah Chandrashekar have been separated from this case vide order dated 18.03.2019.*

Accused no. 4 is company M/s. Devas Multimedia Pvt. Ltd.

Ld. Counsel Sh. Omar Ahmad, Sh. Vikram Shah and Ms. Smriti Sinha for accused no. 4.

Accused no. 5 G. Madhavan Nair and accused no. 6 Veena Sri Ram Rao are already exempted from personal appearance till conclusion of arguments on charge.

Ld. Counsel Ms. Stuti Gujral for accused no. 5.

Ld. Counsel Sh. Chirag Madan for accused no. 6.

Ld. Counsel Sh. Shri Singh for accused no. 7.

Ld. Sr. Counsel Sh. Rajiv Nayyar alongwith Ld. Counsel Sh. Gautam Khajanchi for accused no. 8.

Ld. Sr. Counsel Sh. Mukul Gupta alongwith Ld. Counsel Sh. Pramod Kumar Dubey and Sh. Arjun Diwan for accused no. 9.

Ld. Defence Counsel for accused no. 6 has submitted that he has filed rejoinder to reply of pending application u/s 91 Cr.P.C. in e-form and has supplied copy of the same to the CBI in e-form, he has further submitted that reply of CBI in e-form to his pending application u/s 173 (8) Cr.P.C. has been received to him in e-form only yesterday, he wants to file rejoinder to the same

therefore, case may be adjourned for the said purpose.

Heard. Request allowed. Ld. Counsel for accused no. 6 may file



rejoinder with advance copy of the same to Ld. Spl. Public Prosecutor of the CBI in e-form prior to the next date.

At the request of both the parties, put up for addressing arguments on the aforesaid pending application of accused no. 6 u/s 173 (8) Cr.P.C. on 30.09.2020 through Video Conferencing.

A copy of this order is being sent through Whats App to Sh. Raj Kumar, Reader of this court with a direction to get this order uploaded on the official website of Delhi District Courts at the earliest through Computer Branch, Rouse Avenue Courts Complex, New Delhi. He is also directed to send a Whats App copy of the order to the respective counsel of the parties at the earliest. Reader is also directed to send a copy of this order to the Hon'ble High Court in e-form through Computer Branch, Rouse Avenue Courts Complex, New Delhi. A signed hard copy of the order shall be placed on record as soon as work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.



(CHANDRA SHEKHAR)  
Special Judge, CBI-19 (PC Act)  
Rouse Avenue Courts, New Delhi  
04.09.2020

श्री चन्द्र शेखर  
Sh. Chandra Shekhar  
वि. न्यायाधीश, रसायन विभाग, विशेष (सी.बी.आई.) न्यायाधीश  
Special Judge PC Act (CBI)-19  
कमरा नं. 404, चौथी मंजिल  
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Rouse Avenue Court Complex  
नई दिल्ली  
New Delhi