

CBI Vs. D.S.Sandhu and others.

CC No. 63/2019

22.06.2020

Present: Sh.B.K.Singh Ld.Sr.PP for CBI.

Accused No.1 Sh. DS Sandhu and Accused No.5 Smt. Sudershan Kapoor in person with Ld. Counsel Sh. Y. Kahol.

Accused No.12 Sh. Vikas Srivastava in person alongwith Ld. Counsel Sh. I.D. Vaid.

Accused No. 7 Sh. Amit Kapoor and Accused No. 8 Sh. Rishiraj Behl In person.

Sh. M.K. Verma Ld. Counsel for Accused No. 6 Sh. Ashwani Dhingra and Accused No. 12 Sh. DB Singh.

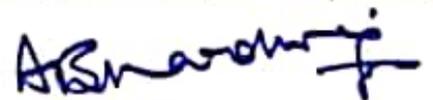
For concluding the arguments on behalf of accused no. 1 Shri Dilbhajan Singh Sandhu, learned counsel Shri Y Kahol read para 6 of the FIR which is as under:-

"6. In the month of July, 1998, after receipt of the circular from our Central office, Mumbai, regarding fake circulation of KVPs. We got suspicious about the securities i.e. KVPs submitted by the borrowers for availing the overdraft facility from our Patel Nagar Branch. We deputed 1 of our officers to Armapur Post Office, Kanpur to know the factual position regarding the KVPs under reference. It has been confirmed by the postal authorities of Armapur Kanpur Post Office that neither they have issued the said KVP's nor they have made any endorsement regarding pledge vide their reply given on the lists of KVP's enclosed with our letter dated 25/07/1998 for verification of KVP's."

The learned counsel submitted Accused No. 1 was called to the bank and on 28/07/1998 and he furnished other suitable immovable property as security for the loan of the bank.

The learned counsel read the evidence of DW1 Shri Mahinder Singh where the witnesses deposed that in this account one time settlement (OTS) was sanctioned by the Committee of Board at Central office, Mumbai for ₹ 90 lakhs which was deposited by the party subsequently with interest and made a payment of ₹ 90,11,537. The witness deposed that the bank has received the entire amount agreed in OTS. The bank has no dues after receiving the OTS amount.

The learned counsel submitted that once the matter was settled with the Bank, there will be nothing left for the offence under section 420 of IPC. Further, the learned counsel argued that there is no evidence for the offence of conspiracy under section 120-B read with Section 411, 420, 467, 468 and 471 of IPC and section 13 (2) read with section 13 (1) (d) of PC Act 1988. The learned counsel submitted that there is no evidence against accused number 1 Shri Dilbhajan Singh Sandhu for the offence under section 471 read with section 467 and 468 of IPC or under section 411 of IPC. The learned counsel submitted that it is a fit case for acquittal of accused no. 1 Shri Dilbhajan Singh Sandhu of all the charges framed against him.



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With this, the learned counsel concluded arguments on behalf of accused no. 1 Shri Dilbhajan Singh Sandhu.

Now, Shri MK Verma learned counsel for accused no. 6 Sh. Ashwani Dhingra and accused no. 11 Shri DB Singh is able to attend the hearing through videoconferencing. As directed earlier, the learned Senior PP for CBI Shri BK Singh has to address now arguments qua accused no. 6 and accused no. 11. The learned counsel submitted that accused no. 6 is staying at Shri Ganga Nagar near border where there is no connectivity and accused no. 11 is residing at Rai Barelli and is also not having any connectivity. However, as the learned counsel for both the accused is now present through videoconference, the learned Senior PP for CBI submitted his arguments with regard to accused no. 6 and accused no. 11.

The learned senior PP for CBI submitted that the charge against both these accused is only under section 120-B of IPC read with section 411, 420, 467, 468 and 471 of IPC 13 (2) read with section 13 (1) (d) of PC act 1988. There is no charge for any substantive offence against both these accused. The learned Sr PP referred to para 7 of the chargesheet where at serial number 8 in the table it is mentioned that DD number 40/3700 and 40/3701 dated 18/03/1998, printed number 32, 794 is mentioned favouring Oriental auto India Ltd of Shri Dilbhajan Singh Sandhu (actual beneficiary Ashwani Dhingra through self cheques issued by Shri Dilbhajan Singh Sandhu and the cash collected by Ashwani Dhingra from Bank of Baroda Hauzkhas Branch, New Delhi), drawn on Delhi for a sum of ₹ 15 lakhs.

The learned Senior PP for CBI referred to D 105, Exhibit PW1/A2 and Exhibit PW1/A3, which are two demand drafts, for ₹ 9 lakh and another for Rs. 6 lakhs in favour of Oriental auto mobiles Ltd.

Learned Senior PP for CBI referred to the evidence of PW 18 Shri Tarun Dhingra who had introduced current-account number 16950 of Oriental auto Mobile Ltd. The witness deposed that he had introduced this account on the behest of senior manager Mr Katuria blindly. The learned Senior PP for CBI submitted that this account was newly opened.

The learned Senior PP for CBI next referred to the evidence of PW 19 Shri Ved Bhagwan Katoria, Senior Manager, Bank of Baroda. The prosecution had sought to examine this witness to prove the signatures of accused no. 6 Ashwani Dhingra on the reverse of the DD's referred above to show that the money involved in these 2 DDs was received by accused no. 6 Shri Ashwani Dhingra. However the witness refused to identify the signatures encircled at point C, C1 and C2. The witness was declared hostile and only stated "I cannot recollect whether I had stated in my statement under section 161 CrPC Exhibit PW 19/E to the IO that afterwards the said DS Sandhu issued cheque number 163511 and 163512 both dated 25/03/1998 favouring self for a total sum of ₹ 15 lakhs which payment was actually collected in cash by the aforesaid Ashwani Dhingra CA on 25/03/1998."

The learned Senior PP for CBI submitted that response of this accused during statement under section 313 of CrPC was not of specific denial but denial as the allegation is not proved as per law against him. The learned Senior PP for CBI submitted that it was not necessary to send the disputed signatures to GEQD for examination.

Next, submitting his arguments with regard to accused number 11 Shri DB Singh, the learned Senior PP for CBI submitted that neither accused no. 1 nor accused no. 2 nor accused no. 3 were the


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residents of Rai Bareilly. Despite of opportunity, neither accused no. 1 nor accused no. 11 has shown why accused no. 11 was given a sum of ₹ 15 lakhs by Shri Dilbhajan Singh Sandhu. The learned senior PP for CBI referred to D- 107, Exhibit PW 13/C and Exhibit PW 13/D which are two DDS, 1 for a sum of ₹ 6 lakhs and another for a sum of ₹ 9 lakhs in favour of accused no. 11 Shri DB Singh.

The learned Senior PP for CBI referred to the evidence of PW 23 Shri Prakash Chand Srivastava to show that the account in which the 2 DDS were encashed was opened on 19/03/1998 and the date of 2 DDS is 18/03/1998.

The learned Senior PP for CBI referred to question number 126 to question number 144 of the statement under section 313 of CrPC where the response of the accused to the evidence against him is that this evidence is not proved as per law against him.

The learned Senior PP for CBI referred to cross examination of IO of the case PW48 Shri Ramkant Tiwari recorded on 07/04/2017 where he deposed that "None of the witness had told me that A-11 DB Singh was carrying the business of money leading...".

Lastly, the learned Senior PP for CBI referred to the evidence of PW 12 Shri UB Upadhyaya where he deposed that he had recorded the statement of Shri DB Singh, Exhibit PW 12/C. It was submitted that the evidence of this witness is sufficient to prove extra judicial confession by accused no. 11 Shri DB Singh.

With this, the learned Senior PP for CBI concluded arguments with regard to accused no. 6 and accused no. 11.

Shri MK Verma learned counsel for both these accused submitted that he will address arguments in defence of these accused persons on 25th June 2020 (Thursday).

As requested, list again now on 25th June 2020 at 11 AM for arguments by learned counsel for accused no. 6 and accused no. 11.

Let a copy of this order be sent by WhatsApp to all the accused and their learned counsels.


ARUN BHARDWAJ

SPECIAL JUDGE(P.C.Act)9CBI-05

ROUSE AVENUE DISTRICT COURTS

NEW DELHI/22.06.2020

CBI VS. Shri D.K.GOEL AND ANR.

RC 15(A)/2010(CC No.168/19)

Present: Shri B.K. Singh Ld. Sr. PP for CBI.

Accused No.1 Sh. DK Goel and Accused No. 2 Smt. Susheela Goel with Ld Counsel Sh. J.S.Rai.

(Through VC using Cisco WebEx app)

The learned counsel for the accused persons has provided soft copy of written submissions comprising of 230 pages for the assistance of the court.

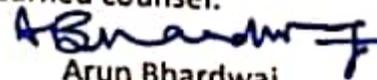
The learned counsel for the accused has also provided the details of documents which were admitted by the accused during admission/ denial.

The learned counsel further submitted that he shall also provide a table indicating the D number of the document admitted during admission/denial corresponding with Exhibit No. B

Be submitted on 26th June 2020 at 12.30 p.m.

The matter shall again be taken up now on 26.06.2020 at 12:30 PM.

Let a copy of this order be sent by WhatsApp to accused persons as well as their learned counsel.


Arun Bhardwaj

Special Judge (PC Act) (CBI-5)

Rouse Avenue District Court

New Delhi/22. 06. 2020