

**IN THE COURT OF SH. PULASTYA PRAMACHALA,
SPECIAL JUDGE CBI- 13, (PC ACT)
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

CBI v. Anoop Joshi & Ors.

RC-DAI-2019-A-0042, CBI, ACB, New Delhi

U/s. 120-B IPC r/w. S.7 & 7A of PC Act, 1988 (As amended in 2018)

24.08.2021 (At 12:40 p.m.)

Present: Sh. Neelmani, Id. PP for CBI along with IO/Sh. Rajesh Kumar, Addl. S.P.

Ms. Stuti Gujral and Ms. Sudipti Saxena, Id counsels for applicant Ms. Mukta Shekhar with applicant.

Sh. Daljeet Singh (reader), Sh. Ganesh Singh Rawat (P.A.) and Ms. Rajni Gupta (assistant ahlmad) of this court, are present through video conference.

(Through Cisco Webex Meeting App)

In continuation of previous order, hearing of this application is being hosted by Sh. Daljeet Singh, reader of this court on designated video conference link of this court. It is certified that audio and video quality of the hearing remained satisfactory to conclude the hearing.

By way of present application, applicant Ms. Mukta Shekhar seeks release of the documents/articles seized as per seizure memo dated 01.01.2020. Applicant further seeks release of keys i.e. (two in numbers) to Locker Number 231, in the joint name of applicant as well as deceased accused Mr. Chander Shekhar, maintained with Bank of Baroda, Bhogal, New Delhi, seized vide locker operation memo dated 04.01.2020.

Notice of this application was sent to IO through mail and it was fixed for reply & arguments on this date. In the morning at 10 A.M. Id. PP sought pass over, submitting that IO was busy somewhere else. He requested for hearing at 12 noon submitting

that the reply would be mailed by that time.

However, at 12:00 P.M. instead of reply, a request letter was mailed by the IO, thereby seeking further time to file reply to the aforesaid application on the grounds that investigation in the case is still continuing and at final stage, and decision is yet to be taken to determine if the documents would be relied upon or not.

IO joined the proceedings making same request. However, keeping in view the fact that accused in question i.e. Sh. Chander Shekhar has already expired and this fact had already been verified by the IO, I did not find any logical purpose to defer the hearing on this application. IO was asked to explain the nature of each document as per search list dated 01.01.2020. This is the search list through which certain documents, cash amount and articles were seized from the residence of accused late Chander Shekhar. The description of documents etc., as mentioned in this search list is as follows:-

1	Bunch of papers related to property bearing EF 04, Nandoli Housing Society Surnaya VII Nandoli, Ahmedabad, One blank Indian non judicial stamp of Rs. 10, Annual Immovable Property return in respect of Mukta Shekhar, Copy of passport of Tanmay Shekhar, ITR in respect of Chander Shekhar in the year 2018-19, ITR in respect of Mukta Shekhar in the year 2018-19, and etc. (Page 1 to 36)
2	Bunch of miscellaneous papers (photocopies) related to Tanmay Shekhar and Mukta Shekhar (Page 1 to 51)
3	Bunch of papers related to the flat bearing no. 175, Bhatla Apartments, Parpatganj, Delhi like relinquishment deeds in original on stamp paper, General power of attorney on stamp papers and other documents (photocopies) and gift deed on e-stamp, etc. (Page 1 to 106)
4	Bunch of papers having document related to property no. S-1702, Omaxe Twin Tower, Sec-50, Noida i.e. GPA in original and photocopy of agreement to sale etc. (Page 1 to 51)

5	Bunch of papers related to the agricultural land at village, Chakr Vasant Pur, Dadri, Noida, UP sale deed in original of the above mentioned agricultural land with some photocopy of papers, photocopy of transfer deed cum sale deed of plot bearing no. 108, Block-A, Sec-40, Noida (Page 1 to 26)
6	Bunch of papers related to Sapna Kumar W/o Sh. Shashish Kumar i.e. photocopies of agreement to sale and purchase of property no. 224, Sukhdev Vihar, New Delhi, perpetual sublease, share certificates issued by Nagarjun Oil Refinery and LIC papers, etc. (Page 1 to 219)
7	Two keys of Godrej locker no. 231 maintained in Bank of Baroda, Bhogal, New Delhi.
8	Cash of Rs. 2,55,000/- (two lac fifty five thousand only) in different denomination.
9	Jewelry box containing the jewelries found in the master bedroom and as per Annexure -A of the memo.

IO was asked that in the background of the fact that this case is already abated against accused Chander Shekhar vide order dated 15.06.2021, what could be use of aforesaid documents as well as articles like jewelries to be used as piece of evidence in this case. IO answered in negative, meaning thereby, IO does not have any reason or purpose to use any of aforesaid documents or cash or articles as evidence in this trap case. For the purpose of ready reference, it is appropriate to mention here that this case was registered on 29.12.2019 u/s 120-B IPC and 7-A of P.C. Act, 1988 (as amended in 2018). As per reply of IO itself, this case was registered on the basis of written complaint made by Sh. Sudhir Gulati, thereby alleging about demand of bribe by two private persons i.e. accused Anoop Joshi (Clearing House Agent) and accused Rajesh Dhanda, on behalf of accused Sh. Chandra Shekhar. Sh. Chandra Shekhar was working as Addl. Director General, DRI, Ludhiana Zone, Ludhiana. On the basis of aforesaid complaint regarding demand of bribe, a trap was laid by CBI team on

31.12.2019, wherein accused Anoop Joshi and Rajesh Dhanda were caught, while demanding and accepting bribe amount of Rs. 25 lacs from the complainant. Thereafter, CBI team also reached place of accused Chandra Shekhar at Ludhiana and arrested him on the basis of his role as appearing in this case. Thereafter, house and locker of accused Chandra Shekhar were searched by CBI team, which resulted into seizure of aforesaid documents, cash and articles. During pendency of investigation, two accused namely Sh. Anoop Joshi and Sh. Chandra Shekhar expired.

Even I have applied my mind and I am unable to find any connection between this case now having sole accused as Sh. Rajesh Dhanda and the aforesaid documents. While explaining nature of those documents, IO conceded that none of those documents are related to co-accused Rajesh Dhanda. From the given description of the documents, it is apparent that they have no connection with the alleged demand of bribe in this case. According to IO, these documents could be relevant for enquiry from the angle of a case of disproportionate assets of accused Chandra Shekhar. However, with death of Sh. Chandra Shekhar, there remains no scope to make any enquiry from that angle as well. Thus, I find that there is no purpose for withholding aforesaid documents, cash amount and articles by CBI in the present case. In that situation, the application moved by applicant, who is widow of Sh. Chandra Shekhar, is allowed. IO and Id. SP concerned are directed to ensure release of all of aforesaid documents, cash amount and articles to the applicant within 15 days from today. IO shall further send necessary communication to the manager of Bank of Baroda, Bhogal Branch, Jangpura, New Delhi to clarify that there is no restriction for the applicant to use the locker no. 231 or any other locker, if attached in the present case.

Before parting with this order, I wish to add that there has been sufficient time for IO to examine the relevance of any documents in the present case. There has to be an end point of such examination. It is matter of record now that even co-accused Anoop Joshi has expired and this case has abated against him vide order dated 23.06.2021. In these circumstances, since FIR in this case has been assigned to this court and this court is under duty to supervise the investigation being done in this case, keeping in view to avoid unnecessary harassment to the widow/legal heir of accused late Anoop Joshi, IO and Id. SP concerned are further directed to ensure completion of examination of relevance of any document/article seized from accused late Anoop Joshi in this case. Unless they decide about existence of relevance of any of those documents/articles for the purpose of this case, they shall release those documents and articles to widow or next legal heir of accused late Anoop Joshi within 15 days from today. Copy of this order be sent through mail to counsel for applicant and IO for the purpose of intimation and compliance. IO shall place this order before Id. SP.

This order is being passed and digitally signed at my residential office. Copy of order is being transmitted to ahalmad electronically, for compliance and for uploading on the website.

(Pulastya Pramachala)
Special Judge (CBI-13), PC Act,
RADC, New Delhi/24.08.2021