

(PHYSICAL HEARING)

**RC No. 224 2017 A0001/CBI/AC-VI/SIT
u/S. 120B IPC 8, 9 13(2) r/w. 13(1) d of PC Act 1988**

26.09.2020

Present : Sh. V. K. Pathak, Ld. PP for CBI along with Sh. Avnish Kumar, Pairvi Officer for CBI.

Vide order dated 26.08.2020, in view of the judgment ***Sakiri Vasu Vs. State of UP AIR 2008 SC 907*** of the Hon'ble Supreme Court, it was observed as under :

“After hearing the Ld. PP for CBI and IO, some important and pertinent issues may arise for consideration at this stage tentatively namely :

- (a) How many documents have been collected / witnesses examined till far ?**
- (b) What action has been taken / proposed to be taken against private persons named in FIR, whose names are found mentioned in BBM messages ?**
- (c) What action has been taken / proposed to be taken against those public servants of whom Mr. Moin Akhtar Qureshi was allegedly acting as a middleman, as stated in FIR?**
- (d) That in lieu of bribes allegedly paid to**



Mr. Moin Akhtar Qureshi, what favours were obtained ? By whom, through whom ?

(e) Whether any arrest proposal was made or prepared regarding the arrest of any of the suspect(s) in this case till date ?

(f) Whether Ex-Director of CBI, Sh. A.P. Singh was ever examined in this case ?

(g) Whether role of any CBI officer was examined in this case or that of any other public servant of any other department ?

(h) Does as mentioned in para 8 of the reply filed by CBI as above, merely because one person is complainant in RC 13(A)/2018/CBI/AC-III gives him immunity in other cases or present case ?

(i) What is the provisional time line under which, final report in this case is proposed to be finalized by the investigating agency ?

Put up for further status report / further proceedings on 24.09.2020."

Thereafter, pursuant thereto further status report was filed on behalf of CBI, in which it was stated as under :

"3. That this Hon'ble Court directed CBI to file the status report vide order dated 07.08.2020 which was accordingly filed During the hearing of the case / said status report on 26.08.2020, this Hon'ble Court



directed CBI to submit further status report on 24.09.2020 in respect of some issues relating to the investigation in present case. The queries raised by this Hon'ble Court and their replies are submitted below for kind perusal and consideration of this Hon'ble Court.

a) How many documents have been collected / witnesses examined till far ?

- So far 544 number of documents have been collected and 63 (including 3 FIR named accused persons) number of witness have been examined.

(b) What action has been taken / proposed to be taken against private persons named in FIR, whose names are found mentioned in BBM messages ?

- Action against private persons named in FIR whose names are found mentioned in BBM messages will be taken in due course of time on merit as investigation proceeds.

(c) What action has been taken / proposed to be taken against those public servants of whom Mr. Moin Akhtar Qureshi was allegedly acting as a middleman, as stated in FIR?

- Investigation in this regard is being conducted and the role of such public servants is being probed into.



(d) That in lieu of bribes allegedly paid to Mr. Moin Akhtar Qureshi, what favours were obtained ? By whom, through whom ?

- The issue is under investigation.

(e) Whether any arrest proposal was made or prepared regarding the arrest of any of the suspect(s) in this case till date ?

- Previous IO sh. Devinder Kumar, DSP had submitted the proposal of the arrest of accused persons namely 1) Moin Akhtar Qureshi, 2) Pradeep Koneru, 3) Aditya Sharma, and 4) Sathish Babu Sana. However, during the pendency of the arrest proposal, the case RC. 13(A)/2018/CBI/AC-III was registered and the said proposal could not be processed further.

(f) Whether Ex-Director of CBI, Sh. A.P. Singh was ever examined in this case ?

- Ex-Director of CBI, Sh. A. P. Singh has not been yet examined in the case.

Whether role of any CBI officer was examined in this case or that of any other public servant of any other department ?

- Many CBI officers have been examined in this case including some public servants from Income Tax Department and Enforcement Directorate.

(g) Does as mentioned in para 8 of the reply filed by CBI as above, merely because one person is



complainant in RC 13(A)/2018/CBI/AC-III gives him immunity in other cases or present case ?

- In this regard it is submitted that merely because one person is complainant in one case does not give him immunity in other cases or present case. However, for practical reasons Sh. Sathish Babu Sana was not being called in this case after the registration of the RC.13(A)/2018/CBI/AC-III as he was the complainant in RC.13(A)/2018/CBI/AC-III. Therefore, to negate any chances of influence and to bring out the true facts to light, it was thought prudent to examine Sathish Babu Sana in impartial environment sans the element of his being treated as an accused or suspect in the instant case. Hence, it was decided that investigation in the instant case be halted / paused till the finalization of RC.13(A)/2018/CBI/AC-III.

(h) What is the provisional time line under which, final report in this case is proposed to be finalized by the investigating agency ?

- In this regard it is submitted that documents collected in the present case are voluminous and there are number of prospective witnesses who are yet to be examined. The investigation of the case may, therefore, take substantial time. Hence, at this stage, proposing of a definitive timeline would neither be feasible not conducive for thorough and impartial investigation in

the present case. However, all efforts shall be made to conclude the investigation of the case at the earliest.”

As per para (e) of the said reply, previous IO had submitted a proposal for arrest of (1) Moin Akhtar Qureshi (2) Pradeep Koneru (3) Aditya Sharma and (4) Santosh Babu Sana.

It is not clear from above reply, as to what decision has been taken on the same and what is the status of said proposal now.

After further hearing the Ld. PP for CBI and IO/HIO, some other important and pertinent issues may arise for consideration at this stage provisionally namely :

- (a) Does the name of Sh. Ranjit Sinha, another Ex-Director CBI, who is alleged to be linked to Moin Akhtar Qureshi is also being investigated, if so whether he was also examined in this case, if not why?
- (b) Why CBI did not bring investigations in this case to a logical end by using tried and tested methods of investigations like searches, custodial interrogation of potential suspects ?
- (c) Whether the alleged role of its another Ex-Director Sh. Alok Verma was also investigated that he allegedly stalled or did not allow the investigations to reach its logical end during his tenure ?
- (d) Why Sh. A.P. Singh, Ex-Director, CBI as stated in para (f) of reply has not been examined in this case ?
- (e) Why CBI is dragging its feet in a case involving the roles of two of its Ex-Directors, which may lead to an inference that it is not



very keen to pursue investigations qua them ?

(f) That as stated in Para (h) of reply above, no definitive timeline can be given, does that mean investigations will go on for indefinite period of time, so that FIR may die its own death, as reply to all the questions in this regard are most ambivalent and evasive.

Vide earlier order dated 07.08.2020, it was also observed in the present matter as under :

“Therefore, such open ended investigations which keep on gathering dust for years together may seriously erode the credibility / faith of public at large in premier investigating agency of India i.e. CBI, which is deleterious to rule of law, more so, when one of the accused in the above RC is Sh. A. P. Singh, Ex. CZAR or Ex. Director of CBI.”

The constitution of India is the supreme law of India, which envisages India to be a country governed by the rule of law.

One of the most basic axiom of rule of law is, **that there should be equality before the law** that is equal subjection of all citizens (rich of poor, high of low, official or non official) to the ordinary law of the land.

From the above discussion, it is apparent that in fact in this case, role of two of its Ex-Directors is under scanner i.e. Sh. A.P. Singh and Sh. Ranjit Sinha along with alleged middleman Moin Akhtar Qureshi, which needs upfront i.e. frank and honest investigations.

The image of CBI as premier investigating agency of India is redoubtable. However, at the same time, it has to rise to

occasion to investigate the allegations against its two top ex-honchos to further enhance its eminence, as there comes a time in the life time of any institution or organization, where it finds itself at cross roads, then it has to take a path which is the right path, which leads to sunshine and glory.

Put up for further status report / further proceedings on **27.10.2020.**

Copy of this order be given to the prosecution dasti, as prayed.

The e-mail copy / signed scanned copy of this order be sent to the Computer Branch, RADC by the Reader for uploading on the official website.

The present order has been dictated to Sh. Amit Makhija, Sr. PA attached with the undersigned.



(Sanjeev Aggarwal)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/26.09.2020

Received
26/9/20
Amit Makhija
Sr. PA/CBI

(PHYSICAL HEARING)

CBI Vs. M/s. Green Valley Plywood Ltd.

CC No. 278/2019

RC No. 6(E)/2015/BD1/CBI/BS&FC/ND

26.09.2020

Present : Sh. V. K. Pathak, Ld. PP for CBI along with IO Sh. Alok Tiwari.

Sh. Sahil Sharma, Ld. Counsel for A-1 to A-5 & A-7 to A-10.

Sh. Sheikh F. Kalia, Ld. Counsel for A-6.

Sh. Sewa Ram, Ld. Counsel for A-11.

Sh. Prem Chhetri, Ld. Counsel for A-12.

Accused Jagmohan Kejriwal (A-2) for self and for M/s. Green Valley Plywood Ltd. (A-1), Anju Kejriwal (A-3), Mukesh Sharma (A-4) for self and for M/s. Pine Decor Pvt, Ltd. (A-7) and M/s. Mam Chand Mahabir Prasad Pvt. Ltd. (A-8), Pramod Kumar Varshney (A-5) for self and for M/s. Vintage Decor Ltd. (A-9) and M/s. Green Valley Decor Pvt. Ltd. (A-10), Shukhdev Raj Khinchi (A-11) and Ashok Kumar Raheja (A-12) are present on bail.

Accused Ramesh Chander Juneja (A-6) is absent.

The matter was proceeding at the stage of further proceedings / supply of documents by the IO.

An application for exemption from personal appearance



has been moved on behalf of accused Ramesh Chander Juneja (A-6) through his Ld. Counsel on medical grounds.

Heard. In view of submissions made and in the interest of justice, the said accused is allowed to be exempted from his personal appearance for today only.

It is submitted by the IO that he has supplied all the documents to the Ld. Counsel for (A-6) including all the odd size photocopies of documents, as directed vide order dated 15.09.2020. In these circumstances, the application of the accused (A-6) u/S. 207 CrPC for supply of the deficient documents stands disposed off.

Three separate applications through E-mail as well as in hard copy have been moved on behalf of accused Sukhdev Raj Khinchi (A-11) as under :

1. **Application u/S. 91 CrPC seeking summons to the investigating agency (CBI) to produce all documents / correspondence with Indian Overseas Bank Authorities and CV C relating to Sanction dated 13.09.2019 u/S. 19(1)(3) of PC Act for prosecution of applicant;**
2. **Application u/S. 311 CrPC seeking directions to summon as prosecution witness and permission to examine Mr. K. Parthasarthy, competent sanctioning authority for the sanction dated 13.09.2019 granted by him u/S. 19(1)(3) of PC Act, 1988 for prosecution of applicant;**
3. **Application u/S. 227 CrPC for discharge.**


Copies of the above application(s) have been supplied to the Ld. PP for CBI.

Now to come up for reply and arguments on the above

application(s) and also arguments on the point of charge(s) on **03.10.2020** through video conferencing, on which date, as per the request of Ld. Defence Counsel(s) as well as prosecution, the next hearing in the matter through physical mode would be given, as the roster for the physical hearing for the month of October, 2020 has not been received by this Court.

IO be summoned for the NDOH.

The e-mail copy / signed scanned copy of this order be sent to the Computer Branch, RADDC by the Reader for uploading on the official website.


(Sanjeev Aggarwal)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/26.09.2020

(PHYSICAL HEARING)

CBI Vs. Colonel Ajay Kumar Singh & Ors.
RC No. 09(A)/2017/AC-III, New Delhi

26.09.2020

Present : Sh. V. K. Pathak, Ld. PP for CBI along with IO Sh. Suresh Kumar and Sh. Avnish Kumar, Pairvi Officer for CBI.

Sh. Naveen Malhotra, Ld. Counsel for accused B. Ramachandhiran (A-5).

The matter was proceeding at the stage of arguments on the pending application(s) in terms of order dated 07.01.2020.

Ld. Counsel for the accused requests for adjournment on the ground that all of a sudden, severe pain has started in his stomach due to which he is not able to address arguments on the pending application(s). Not opposed. Request allowed in the interest of justice.

Ld. Counsel for the accused requests that physical hearing in the Court be given to him, as he wants to address detailed arguments on the application moved by IO qua (A-5) to give his voice sample. Not opposed by Ld. PP for CBI. The request is allowed in the interest of justice.

In these circumstances, put up for arguments on the above application of prosecution as well as another application of accused as well, which is stated to be pending on **03.10.2020 at 11:00 AM.**



The accused along with his counsel shall appear in Court No. 602, Rouse Avenue District Court, New Delhi on the above said date and time.

Reader is directed to ensure that all necessary steps have been taken for smooth functioning of the court work on the NDOH.

IO be summoned for the next date of hearing.

The e-mail copy / signed scanned copy of this order be sent to the Computer Branch, RADDC by the Reader for uploading on the official website.



(Sanjeev Aggarwal)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/26.09.2020