

**IN THE COURT OF MS. NIRJA BHATIA, SPECIAL JUDGE, PC
ACT (CBI)-03, ROUSE AVENUE DISTRICT COURT, NEW DELHI**

**CBI Vs. Badrul Islam etc.
C.C.No. 389/2019**

10.08.2020

Pr. (on screen): Sh. Praneet Sharma, Id. Sr. PP for CBI.
A-1 in person along with Id. Counsel Sh. Chandra Maini
A-2 and A-4 in person along with Id. Counsel Sh. Javed
Akhtar
A-3 is absent
Sh. Vikram Panwar, Id. Counsel for A-3
A-5 in person along with Id. Counsel Sh. Ranvijay Singh

Matter has been taken up through Video Conferencing hosted by
Sh.Ashok Kumar, Reader of the court in terms of orders of Hon'ble High
Court bearing No. R-235/RG/DHC/2020 dated 16.05.2020 and
16/DHC/2020 dated 13.06.2020.

An application for exemption from personal appearance on behalf of
accused no.3 has been filed by his Id. Counsel.

Heard.

In view of the reasons mentioned in the application, accused no.3 is
exempted from his personal appearance through Id. Counsel present.

C.C.No.389/2019

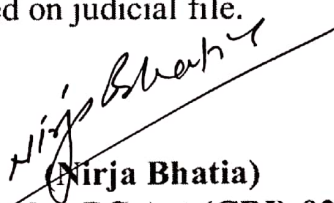
CBI Vs. Badrul Islam etc.

1 of 2

In reference to circular No. *26/DHC/2020 dated 30.07.2020*, let this matter be listed on **26.09.2020** for P.E.

A copy of this order be sent to the computer branch for uploading on the official website.

A copy of this order be scanned and placed on judicial file.


(Nirja Bhatia)
Spl. Judge PC Act (CBI)-03,
RADC, New Delhi/10.08.2020

**IN THE COURT OF MS. NIRJA BHATIA, SPECIAL JUDGE, PC
ACT (CBI)-03, ROUSE AVENUE DISTRICT COURT, NEW DELHI**

**CBI Vs. Jagdish Kumar Arora
C.C.No. 81/2019**

10.08.2020

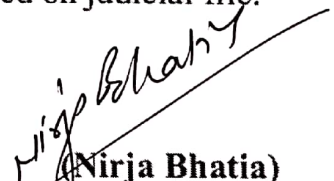
Pr. (on screen): Sh. Praneet Sharma, ld. Sr. PP for CBI
A-3 in person with ld. counsel Sh. Sudeep Shudhan

Matter has been taken up through Video Conferencing hosted by Sh.Ashok Kumar, Reader of the court in terms of orders of Hon'ble High Court bearing No. R-235/RG/DHC/2020 dated 16.05.2020 and 16/DHC/2020 dated 13.06.2020.

In reference to circular No. *26/DHC/2020 dated 30.07.2020*, let this matter be listed on **28.09.2020** for P.E.

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**(Nirja Bhatia)
Spl. Judge PC Act (CBI)-03,
RADC, New Delhi/10.08.2020**

**IN THE COURT OF MS. NIRJA BHATIA, SPECIAL JUDGE, PC
ACT (CBI)-03, ROUSE AVENUE DISTRICT COURT, NEW DELHI**

**CBI Vs. Sukhdev Singh
Crl. Rev.No. 5/2020**

10.08.2020

Pr. (on screen): None

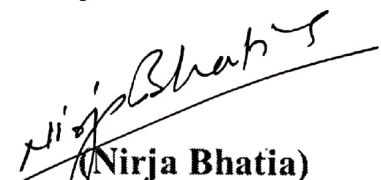
Matter has been taken up through Video Conferencing hosted by Sh.Ashok Kumar, Reader of the court in terms of orders of Hon'ble High Court bearing No. R-235/RG/DHC/2020 dated 16.05.2020 and 16/DHC/2020 dated 13.06.2020.

Link has not been sent by the Reader as Whatsapp request (scanned copy) has been placed on record from the end of Ms. Mona Jonwal, Id. Spl. PP for CBI on the ground of her ill health which had been communicated to the officer concerned.

In terms of the request made, let the matter be listed on **19.08.2020** for arguments.

A copy of this order be sent to the computer branch for uploading on the official website.

A copy of this order be scanned and placed on judicial file.


(Nirja Bhatia)
**Spl. Judge PC Act (CBI)-03,
RADC, New Delhi/10.08.2020**

**IN THE COURT OF MS. NIRJA BHATIA, SPECIAL JUDGE,
PC ACT (CBI)-03, ROUSE AVENUE DISTRICT COURT,
NEW DELHI**

**CBI Vs. Paras Goel
CC/32/2020**

ORDER

10.08.2020

Pr. (On Screen) : Sh. Praneet Sharma, Sr. PP for CBI.

1. By the present order, I proceed to decide on the point of cognizance as the charge-sheet has been filed by IO/Insp. Sandeep Tewari.
2. The charge-sheet reflects that accused Paras Goel S/o Sh. Narender Kumar, an Inspector of GST, posted at Ward 77, Department of Trade and Taxes, Govt. of NCT of Delhi, Vyapar Bhawan, New Delhi was trap-laid and caught at Metro Station, Akshardham at about 1933 hrs on 25.09.2019. The trap was laid by the team comprising of Insp. Harish Chanda, TLO; Insp. Nikesh Upadhyay; Insp. Sudeep Punia; Insp. Kuldeep Sharma; Insp. Vikas Pannu, Insp. N.C. Nawal, SI Nitin Chaudhary; SI Pawan Lamba and subordinate staff besides Complainant Anuj Kumar and two independent witness namely Sh. Suresh Kumar, Asstt. Section Officer, Office of D.G. Doordarshan, Mandi House, New Delhi

Nirja Bhatia

and Sh. Deepak Kumar Tamta, ASO, Vigilance, Directorate General, Doordharshan, Mandi House, Copornicas Marg, New Delhi, who caught him red-handed on accepting alleged bribe/cash of Rs.20,000/- from complainant, Anuj Kumar S/o Sh. Keshav Kumar, proprietor of M/s Vital Enterprises having its office at premises No.8B, J&K Pocket, Dilshad Garden, Delhi -110095.

3. The facts further reveal that complainant Anuj Kumar approached the SP, CBI and gave a hand written complaint alleging the demand of bribe at the hands of GST official to the tune of Rs.1,00,000/- and his non-inclination to pay the amounts, and in the background seeking action. Acting on the said complaint, verification was carried out on 25.09.2019 by SI Nithin Chaudhary, SI Pawan Lamba and independent witness Sh. Suresh Kumar, Asstt. Section Officer, Office of D.G. Doordarshan, Mandi House, New Delhi, whereafter, the accused was caught on the above-mentioned date and time.
4. It is further revealed that complainant is running a proprietorship concern from the address above, which is also his residence. On 09.09.2019, he received a call on his mobile no. 9818482536 from the phone no. 8882566678 of accused Paras Goel informing him of the visit made by accused to his shop/premises and having found the same locked. Subsequent thereto, the complainant received a notice for cancellation of his G.S.T. registration dated 13.09.2019 on his email issued under the hand and signatures of Asstt. Commissioner Sh. Nagesh Kumar Mallah suggesting

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cancellation on the ground of premises having been found locked. The complainant replied to the said show cause notice and requested for revisit. Subsequent thereto, the complainant received another phone call from the accused on his mobile no. 9911245555 and transcripts of the same were recorded on 25.09.2019 as a part of verification and consequent to which the accused was trapped. The investigation further reveal that after the accused having been caught at Akshardham Metro Station, his clothes (jeans pant) was seized, money recovered and the pant worn sent to CFSL. As per CFSL report dated 30.10.2019, the results were found positive and besides the aforesaid, phone of the accused was also seized. The transcripts were retrieved from the DVR used during the proceedings and were forwarded for forensic test/voice match. Voice match were confirmed subsequent to accused Paras Goel voluntarily made available his voice sample.

5. The CDR details of the phone bearing nos. 9911245555, 8882566678, 9910877857 and 9818482536 were provided through the Nodal Officers of Bharti Airtel Ltd. and Vodafone Idea Ltd. IO also collected the Customer Application Form and certificates U/s 65B of Indian Evidence Act.
6. During further investigation, IO revealed that he had seized the relevant material from the computer used by Asstt. Commissioner Nagesh Kumar Mallah comprising of the GST file of 1-28 pages of the firm of the complainant bearing titled M/s Vital Enterprises. He also collected the scanned show cause notice and recorded the

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statements of Sh. Nagesh Kumar Mallah, Asstt. Commissioner; Sh.Tilak Raj, Dak dispatcher/handler; Sh. Ramesh Kirad, Asstt. Commissioner and other officials, wherein, it was disclosed that accused Paras Goel approached Sh.Nagesh Kumar Mallah alongwith his Field Visit Report, which was hand written and was dated 09.09.2019, which led to issuance of show cause notice dated 13.09.2019 by him. It was revealed in the statement that Inspectors GST (as the accused in this case) were obligated to conduct field visits in compliance of directions of Asstt. Commissioner (in this case Sh. N.K.Mallah).

7. It is revealed that during the statement recorded by IO that PW Sh.N.K. Mallah, Asstt. Commissioner asked the accused Paras Goel to hand over his written report dated 09.09.2019 to Sh. Tilak Raj. However, the accused did not hand over the same to him and Sh.Tilak Raj was revealed to be on leave on 13.09.2019. The charge-sheet shows that on apprehension at Akshardham Metro Station, accused Paras Goel claimed that he was acting on directions of Sh.N.K. Mallah, Asstt. Commissioner and with the permission of trap team, he whatsapp to Sh. N.K.Mallah as follows:

“Sir vital enterprises jisne revisit apply kari thi use 20k aye hai. Kal le aunga”

8. However, Sh. N.K. Mallah though saw the whatsapp message, neither rebutted nor replied the same and at about 1957 hrs with

the consent/permission of trap team, accused phoned him, on which, Sh.N.K. Mallah uttered “*Pata nai mujhe to aapne karna hai*” and asked the accused to meet him next day.

9. IO in the background of the afore-said, stated that he did not find evidence of involvement of Sh. N.K. Mallah and *prima facie* came to the conclusion that the entire act of collecting, and of demand of bribe was at the instance of accused Paras Goel himself. Based on the afore-said, the submission of charge sheet was made.
10. However, after having gone through the entire charge-sheet comprising of all the relevant material, statements of witnesses and documents appended thereto and especially the show cause notice dated 13.09.2019 issued by Sh.N.K. Mallah and phone transcripts exchanged between complainant Anuj Kumar and accused Paras Goel dated 24.09.2019 and 25.09.2019, which are marked as Q1 and Q2 , the following pointers emerge :
 - (i) The record of the official direction to Paras Goel for site visit for 09.09.2019;
 - (ii) The circumstances/reasons prompting issuance of such directions by Sh. N.K. Mallah, Asstt. Commissioner;
 - (iii) The status of SoP/Rule/Manual for handling official communications *inter se* department, which is must for the working of any government department;

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- (iv) The record of satisfaction for existence of facts and circumstances duly verified by Sh.N.K. Mallah for existence of grounds before issuance of notice to show cause dated 13.09.2019;
- (v) The status/compliance made by the complainant qua personal visit demanded under show cause notice dated 13.09.2019 for 20.09.2019 and the record of entry/exit made in GST office for carrying out the meeting/compliance by complainant;
- (vi) Circumstances/reasons for not rebutting the contents of whatsapp dated 25.09.2019 of Paras Goel received and seen by Sh. N.K. Mallah and also the similar response made on the telephone call wherein, Paras Goel informed of having collected Rs.20,000/- from the complainant;
- (vii) Reasons and circumstances for not initiating action against accused for allegedly not giving report dated 09.09.2019 (hand written) to Tilak Raj uptill 25.09.2019;
- (viii) Status of verification qua specific mentioning of directions dated 23.09.2019 on correspondence marked by Sh. N.K. Mallah to accused with directions for revisit, which have been specifically mentioned in transcript dated 25.09.2019 by accused; and,

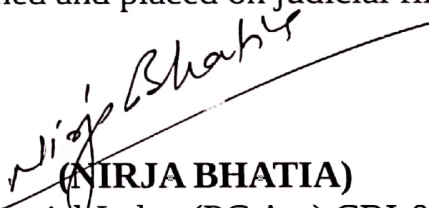
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(ix) Whether the show cause notice dated 13.09.2019 issued by Sh. N.K. Mallah using his unique mail ID and password allotted under his name and under his exclusive knowledge could have been dealt with/withdrawn/ or cancelled by Paras Goel without assistance/permission/approval of Sh. N.K. Mallah.

11. In view of the afore-said pointers, certain questions qua incompetency of investigation are raised. IO, hence, is directed to conduct proper further investigation having regard to afore-mentioned pointers and tender his report on or before **21.09.2020**.

A copy of this order be sent to the computer branch for uploading on the official website.

A copy of this order be scanned and placed on judicial file.


(NIRJA BHATIA)
Special Judge (PC Act) CBI-03,
RADC/New Delhi /10.08.2020