

16.06.2020

Present:- Accused No. 1 Sh. D.S. Sandhu and Accused No. 5 Smt. Sudershan Kapoor in person along with Ld. Counsels Sh. Y. Kahol and Sh. Deepak Sharma.

Sh. Mukesh Kumar Verma, Ld. Counsel for Accused No. 6 Sh. Ashwani Dhingra and Accused No. 11 Sh. Dal Bahadur Singh.

Accused No. 12 Sh. Vikas Srivastava in person along with Ld. Counsels Sh. I.D. Vaid, Sh. Ashok Angral and Sh. Dhruv Sehrawat.

Accused No. 7 Sh. Amit Kapoor in person.

Accused No. 8 Sh. Rishi Raj Behl in person.

(Through VC using Cisco Webex App.)

The Ld. Counsel Sh. Y. Kahol representing Accused No. 1 Sh. D.S. Sandhu started defence arguments and submitted that the complaint D-1, Ex. PW-7/A is dated 31.07.1998, whereas the FIR RC-2(E)-98/EOWI/DLI was recorded on 24.08.1998, Ex. PW-48/1 D-2. He submitted that the prosecution committed all the bungling in between. He submitted that as per the charge-sheet, the current account No. 101703 was opened on 10.03.1998 and it was transferred to ODI Account on 18.03.1998. This account was opened on the introduction of one Sh. Kuljeet Singh of M/s Pinki Engineering Works.

Ld. Counsel submitted that it is the case of prosecution itself as recorded in paragraph 2 of the charge-sheet that Accused No. 1 Sh. D.S. Sandhu had requested the Accused No. 6 Sh. Ashwani Dhingra to arrange requisite finance for making payment to M/s Mahindra & Mahindra Limited.

He submitted that Accused No. 6 Sh. Ashwani Dhingra was a Chartered Accountant and all the affairs were managed by him for securing the loan and he was paid for his professional services. He submitted that there is no conspiracy viz-a-viz Accused No. 1 Sh. D.S. Sandhu and Accused No. 6 Sh. Ashwani Dhingra. He referred

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to the sanction letter and submitted that the same has no word about genuineness of Kisan Vikas Patras. The first letter for verification of Kisan Vikas Patras is 11.03.1998. He submitted that Sh. D.R. Khanijo was the Regional Manager and has played different roles at different stages and he should have been prosecuted for giving false evidence. He referred to the evidence of this witness where he deposed that in December, 1997, he knew that some false Kisan Vikas Patras were in circulation. But he forgot to make note of such Kisan Vikas Patras while sanctioning the loan on the basis of Kisan Vikas Patras.

He submitted that 7 officers of CBI were examined but none says about any circular of 1997 and no such circular regarding stolen KVPs has been placed on record. He submitted that there was no magic wand either with Accused No. 1 or with Accused No. 5 Mrs. Sudarshan Kapoor to find out that the Kisan Vikas Patras in question were forged. He submitted that these Kisan Vikas Patras were never in the possession of Accused No. 1 Sh. D.S. Sandhu but were arranged for him by someone.

Ld. Counsel referred to another case RC 5E1998 where some of the accused were convicted and some were acquitted. He submitted that Accused No. 6 Sh. Ashwani Dhingra is involved in both the cases.

Then he referred to the style of prosecution submitting that contents of paragraph 9 of FIR are not part of the complaint and he had put a special question to the IO, whether the contents of complaint can be changed while recording the FIR? He referred to page 5 of the FIR, which refers that the contents of the complaint are reproduced as under. He submitted that the contents of Paragraph 9 of the FIR are not part of complaint. He submitted that there is no evidence that some preliminary enquiry was conducted between receiving of complaint and date of registration of FIR. If, there was any PE, what was its result that has not been placed on record.

Ld. Counsel submitted that one Mr. Amit Pandey was also an accused in the other case referred above and was instrumental in getting Kisan Vikas Patras falsely stamped from post office and he is a witness in this case. He submitted that Mr. Amit Pandey was acquitted in other case.


Ld. Counsel referred to the submission that there are two post offices one at Armapore and one at Armapur. The Patna Police should have registered the case of

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theft of Kisan Vikas Patras rather than allowing the wagon to proceed ahead. He submitted that the FIR in this case was recorded on 30.04.1998, much after issuance of KVPs by post office and much after their pledging with the bank and creation of lien. Moreover, the FIR is also under Section 468 & 409 of IPC. He referred to the evidence of PW Sen Gupta and submitted that neither the Government of India nor Security Press knew what had happened to Kisan Vikas Patras till 30.04.1998. With regard to availing of loan by a resident of Bhatinda from Patel Nagar Branch, the Ld. Counsel submitted that there is no bar in this regard and the company of the accused was registered at New Rajinder Nagar address and therefore there is no anomaly only for the reason that Accused No. 1 Sh. D.S. Sandhu residing at Bhatinda availed the loan from Patel Nagar Branch of Central Bank of India.

The Ld. Counsel submitted that PW-35 Sh. Natha Prasad Hans should have been made an accused. He has been signing as Post Master of Armapore and Armapur simultaneously. Ld. Counsel referred to A-11 which is Ex. PW-7/B and letter dated 25.07.1998 written by Sh. A.J.S. Bhatti, Deputy Chief Officer where he has addressed the letter to Post Master Armapur and the letter has been received by Supervisor of Armapur Post Office. The Ld. Counsel also referred to D-11 Ex. PW-7/D, another letter of Sh. A.J.S. Bhatti referring to the Post Office as Armapur and not Armapore. The letter also bears the rubber stamp of Armapur and not Armapore. Same is the position with several other documents annexed with D-11 which are referring to post office Armapur and not Armapore.

The Ld. Counsel referred to D110 which is seizure memo dated 07.01.2000 but there is cutting with regard to the date below the signatures of IO of the case. The seizure memo also refers to Post Master Armapur at three places and to Post Master Armapore at another place. He submitted that in the light of admitted documents of prosecution, it cannot be said that there was no Post Office at Armapur. Then he referred to the evidence of PW-2 Sh. Kuljeet Singh which is relied on by prosecution to show that on the directions of Accused No. 5 Mrs. Sudarshan Kapoor, he introduced account of A-1 without knowing A-1. Ld. Counsel submitted that PW2 has deposed that when he had introduced the account, only the name of account holder Sh. D.S. Sandhu


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was written on it. The same was not even signed by Sh. D.S. Sandhu. Even his photograph was not affixed on the account opening form, which cannot be believed.

The Ld. Counsel submitted that this PW-2 was admittedly known to Sh. D.R. Khanejo, but he still never complained to any senior officer of the bank that Accused No. 5 Mrs. Sudarshan Kapoor got his signatures on introduction of an account without his free consent. The Ld. Counsel drew attention of the court to the cross-examination of this witness where he admitted that there was some problem in payment of loan by him and he was being pressurized by Accused No. 5 Mrs. Sudarshan Kapoor to pay the same.

The Ld. Counsel referring to the statement of PW-3 Sh. D.R. Khanejo submitted that the witness has deposed that his more than one statement was recorded by CBI and he even could not identify Accused No. 1 Sh. D.S. Sandhu as the formalities for loan were managed by others. He submitted that Accused No. 1 Sh. D.S. Sandhu is a genuine person and authorized dealer of Mahindra & Mahindra and there was no question of suspecting his genuineness.


While reading from page 8 of the evidence of PW-3, the Ld. Counsel submitted that no such letter as alleged by PW-3 is on record regarding verification of Kisan Vikas Patras. He submitted that the circular about theft of Kisan Vikas Patras is not on record and the star prosecution witnesses is therefore not believable. Referring to the evidence of witnesses showing payment of money from the account of Accused No. 1 Sh. D.S. Sandhu, Ld. Counsel submitted that there is no bar for him to pay the salary to his employees, entertain representatives of Mahindra & Mahindra in 5 Star Hotels. He submitted that for conducting the business, so many ancillary payments are required to be made and no fault can be found in payments by Accused No. 1 Sh. D.S. Sandhu from the loan account.

Referring to the evidence of PW-6, the Ld. Counsel submitted that Accused No. 1 Sh. D.S. Sandhu is a businessman and there is no illegality in purchasing air tickets from Sh. Amit Kapoor who has been unnecessarily facing this trial for such a long time on the whims of the IO of the case.

At this stage, Ld. Defence Counsel submitted that he will address further arguments on the next date of hearing.

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14-08-2020

List for further final arguments by Ld. Counsel for Accused No. 1 Sh.
D.S. Sandhu on 17.06.2020 at 11:00 am.


(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/16.06.2020

CBI vs. D.K. Goel & Ors.
RC-15(A)/2010 (CC No. 168/19)

16.06.2020

Present:- Sh. Brijesh Kumar Singh, Ld. Senior P.P for CBI.

Accused No. 1 Sh. D.K. Goel in person along with Ld. Counsel Sh. Jaspreet Singh Rai.

(Through VC using Cisco Webex App.)

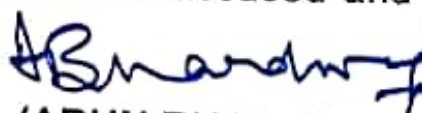
The Accused No. 2 is not present for hearing through video conferencing. Accused No. 1 submitted that she would appear for hearing on the next date through video conferencing.

The Ld. Counsel for the Accused was requested to provide soft copy of written submission comprising of 230 pages for the assistance of the court and the Ld. Counsel Sh. Jaspreet Singh Rai assured that the same would be sent to the E-mail ID of Reader of the Court today itself.

The case is at the stage of rebuttal arguments by Ld. Sr. PP for CBI. He submitted that he will make a small table categorizing the PWs subject-wise like PW for income, PW for expenses, PW for assets. The Ld. Defence Counsel also submitted that he will also provide similar table for the assistance of the court. Thereafter, the case can be reserved for order.

Ld. Defence Counsel requested that he would be able to make this table by Monday. At his request, list on 22.06.2020 at 12:30 pm.

Let a copy of this order be sent to the Ld. Counsel for the accused and the accused persons by whatsapp.


(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/16.06.2020