

CBI vs. Sh. Ashutosh Verma & Ors.
CC No. 192/19

10.07.2020

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

Accused No. 1 Sh. Ashutosh Verma in person with Ld. Counsels Sh. P.K. Dubey, Ms. Smriti Sinha, Mr. Shri Singh, Mr. Gautam Khazanchi, Mr. Shiv Chopra, Mr. Anurag Andley, Ms. Harpreet Kalsi, Mr. Gaganjyot Singh, Ms. Smriti Ramchandran, Mr. Nirvikar Singh and Sh. Prince Kumar.

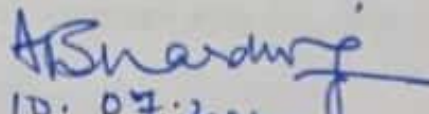
Accused No. 2 Sh. Suresh Nanda in person with Ld. Sr. Counsel Sh. Ramesh Gupta along with Sh. Sandeep Kapoor and Sh. Alok Sharma, Advocates.

Accused No. 3 Sh. Bipin Shah in person with Ld. Counsel Sh. Anindya Malhotra and Sh. Shaurya Lamba.

(Through VC using Cisco Webex App.)

Shri P.K. Dubey, learned counsel for accused No. 1 Shri Ashutosh Verma continued his challenge to the Seizure Memo dated 30/05/2008.

The learned counsel referred to the evidence of IO of this case PW-59, Additional SP, CBI Shri Ram Singh recorded on 30th January 2018. The witness has deposed that he was given gist of conversation by the then SP Shri Ramnish. However, the witness could not tell how many pages were there of this gist of conversation. He could not say whether this fact was recorded in the case diary. He admitted that this fact was not mentioned by him in the chargesheet or during his examination in chief. He deposed that there is no seizure memo of the gist of conversation given to him by Shri Ramnish. He also deposed that neither the statement of Shri Ramnish was recorded by him under section 161 of Cr.


10.07.2020

CBI vs. Sh. Ashutosh Verma & Ors.
CC No. 192/19

Page 1 of 5

P.C. nor he was shown as a witness in the list of witnesses. The witness also deposed that the gist of transcription is not part of chargesheet.

Learned counsel submitted that the above shows there is no proof/link showing handing over of any gist of conversation by the Shri Ramnish.

Learned counsel submitted that the witness has been changing his version. The evidence led by the prosecution is that the CD of recorded conversation was given to this witness by PW-21 on 30th May 2008. Thereafter, the witness deposed that he was given some keywords. Later on, he deposed he was given gist of conversation and finally he deposed that he was given gist of transcription. The learned counsel read the evidence of this witness where he stated that the gist of transcript of intercepted calls was produced before the Learned Special Judge for perusal at the time of remand and disposal of the bail applications but could not remember whether the same were deposited in Malkhana. The witness deposed that he has not mentioned in the case diary whether the gist was destroyed by him or deposited in the malkhana. The learned counsel submitted that no one knows what happened to the so called gist of transcript given to this witness.

Further challenging the sanctity of this document, the learned counsel referred to the evidence of this witness where he deposed that D-21, Exhibit PW 21/1 was typed in the office of Special Unit by one of their steno.

The learned counsel referred to the evidence of PW 21 recorded on 06th March 2017 where the witness stated that he could not remember whether the Seizure Memo was typed by the IO in his office or whether he had already typed the contents of the memos in his own office. Reference is made to the evidence of this witness recorded on 30th January 2018 where he stated that he had compared the gist given to him by Shri Ramnish with CD. The witness stated

CBI vs. Sh. Ashutosh Verma & Ors.
CC No. 192/19

ABNandani
10.07.2020

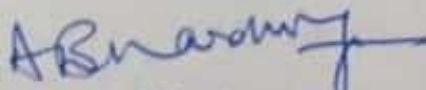
Page 2 of 5

that there was slight variation between the gist and CD as gist was not verbatim. From this, the learned counsel addressed two arguments. First, as per the version of the witness, he was not having the CD before 30th May 2008. So, therefore, it was not possible to compare the transcript with the CD at that stage. Secondly, the witness admitted that there were variations between the gist and the CD.

The learned counsel submitted that the witness himself has admitted compromise of sanctity of the transcription. The learned counsel submitted that the witness could not tell the date when requisition was sent to Special Unit for recorded conversation. He submitted that the said requisition is not part of the chargesheet.

The learned counsel referred to the evidence of the witness where he deposed that he had seized two CDs, one in sealed packet and another open CD. However, in Exhibit PW 21/1, Seizure Memo, there is no mention of 2 CDs. The learned counsel argued that the evidence of this witness is contrary to the documents relied on by the witness. Witness deposed that there is no question of showing the CD to the other witnesses prior to 30th May 2008. However, he admitted that he had recorded in the statement of Shri Shakti Verma on 4th April 2008 under section 161 of Cr. P.C. that he had heard the conversation held on 9th February 2008 between himself and Shri Bipin Shah over mobile. The learned counsel submitted that this is amply clear that the CD was available with the investigating officer before 30th May 2008 and therefore D-21 has no sanctity.

The learned counsel referred to the order of learned Special Judge on the application of prosecution seeking remand passed on 14th March 2008 where it mentions transcript of calls between accused persons prior to registration of the FIR.


10.07.2020

The learned counsel submitted that if the transcript was given to oppose the bail application on 26th March 2008 by Mr. Ramnish, then how the investigating officer had the same available with him in the late evening of 12th March 2008, as noted in the order of remand.

The learned counsel submitted that the prosecution had the CD available on 12.03.2008. Reference was also made to the reply to the bail application of Shri Sanjeev Nanda and Shri Suresh Nanda to submit that D-21 has no sanctity. Reference was also made to para 3 of Exhibit PW 59/D12 which is order of the Hon'ble Delhi High Court dated 29th April 2008 and reference was also made to Exhibit PW 59/11 which is order of Learned Special Judge Dated 5th April 2008. In that order, there is a reference to transcript of 94 calls.

The learned counsel submitted that there is no history of 94 calls. How CBI got 94 calls segregated? The learned counsel submitted that from the above only two inferences can be drawn. Either the CD was compromised by Special Unit or there was parallel interception without any authorization by Ministry of Home affairs.

The learned counsel submitted that the seal over CD changed from the seal of SU to the seal of CFSL. It shows either the seal was tempered or the CD was sent to CFSL and when the report did not support the prosecution, the same was suppressed.

Learned counsel submitted that both these submissions help the defence. It was argued that the laptop of Shri Ashutosh Verma was also seized and examined by CFSL and when the report was not in favour of prosecution, the same was sought to be suppressed.

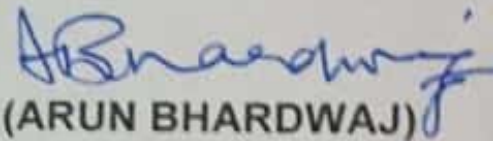
The learned counsel referred to the evidence of this witness recorded on 31st January 2018 where he deposed that he had not handed over

the copy of a FIR or brief history of the case to PW 21 at any point of time. It was argued that without FIR or brief history of the case, it was not possible for the Special Unit to find out the relevancy of calls.

The learned counsel referred to D-21 to show that the same mentions RC number on it and it was not possible if the FIR are was not given to special unit.

Further arguments will now be heard on **15th July 2020 at 2:30 PM.**

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



(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/10.07.2020

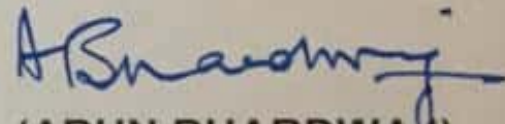
CBI Vs. Smt. Aarti Kalra & Others.
CC No. 164/2020

10.07.2020

Present: None.

File is taken up on receiving online bail bond and surety bond furnished by Accused No. 3 Sh. Harbans Lal Maan through Ld Counsel Shri I.D. Vaid. Be supplied to Ld. Sr. PP for CBI for verification. The same is accepted till the next date of hearing.

On reopening of courts, physical copy of the bail bond and surety bond shall be filed in court.



(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/10.07.2020

ED vs. Nanak Steel (P) Ltd. & Ors.
ECIR No. ECIR/284/DZ/2009
Ct. Case No. 52/2019

10.07.2020

Present: Shri Mohd. Faraz, Ld. Special P.P. for ED.
Shri Shiv Shanker Singh Ld. Counsel for Accused Nos. 1, 2 and 4.

(Through VC using Cisco Webex App.)

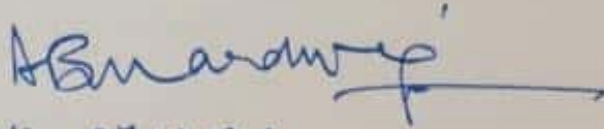
The Ld. Special PP for ED requested for more time to respond to the applications of the accused under Section 208 Cr. P.C. for supply of documents. He submits that certain translations are to be carried out and on or before next date, the entire documents shall be supplied to the accused.

The Ld. Special PP for ED will also take steps for ensuring service/appropriate steps with regard to the accused No. 5 who was not found at the address given in the complaint and was also absconder in the predicate offence case.

No one is present on behalf of Accused No. 3 Sh. Mohan Lal Arora. The notice of hearing shall be sent by whatsapp to Sh. Mohan Lal Arora as well as his Ld. Counsel for the next date.

Ld. Counsel for accused no. 2 submits that the video conferencing link was not shared with the accused no. 2 Sh. Ashwani Kumar Verma and he be also shared the link for the next date to enable him to join the video conferencing.

The Ld. Counsel, who has been given the video conference link, shall share it with Sh. Ashwani Kumar Verma so that he can join the proceedings on the next date.


10.07.2020

ED vs. Nanak Steel (P) Ltd. & Ors.
ECIR No. ECIR/284/DZ/2009
Ct. Case No. 52/2019

Page 1 of 2

Similarly, Ld. Special PP for ED will also share the link with the IO of the case so that he can also join the proceedings.

The Ld. District & Sessions Judge-cum-Special Judge, CBI, P.C. Act, 1988 has adjourned this case en-block to 13.08.2020.

Be listed on 13.08.2020 at 11:00 AM.

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)(CBI-05)
Rouse Avenue District Court,
New Delhi/10.07.2020

CBI vs. M/s Sonshriya Polymers Pvt. Ltd. & Ors.

CC No. 165/2019

RC No. 18(E)/17

U/s. 120-B r/w. 420, 467, 468 & 471 IPC & 13(2) r/w. 13(1)(d) of PC Act

10.07.2020

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

Accused No. 2 Sh. Shailender Kumar Upadhyay along with Ld. Counsel Sh. Vikas Arora.

Accused No. 3 Sh. Rajiv Thukral and Accused No. 4 Smt. Veena Thukral along with Ld. Counsel Sh. M.K. Malhotra.

(Through VC using Cisco Webex App.)

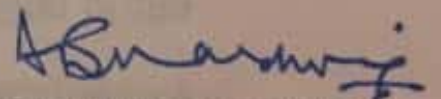
Arguments on applications for bail of Accused No. 2 and 4 heard.

Vide separate orders, both the bail applications are allowed.

The Ld. District & Sessions Judge-cum-Special Judge, CBI, P.C. Act, 1988 has adjourned this case en-block to 13.08.2020.

Be listed on 13.08.2020 for arguments on charge.

Let a copy of this order be sent by WhatsApp to the accused and the Ld. Counsels for compliance.



(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/10.07.2020

CBI vs. M/s Sonshriya Polymers Pvt. Ltd. & Ors.
CC No. 165/2019
RC No. 18(E)/17
U/s. 120-B r/w. 420, 467, 468 & 471 IPC & 13(2) r/w. 13(1)(d) of PC Act

10.07.2020

ORDER ON APPLICATION OF BAIL OF SMT.VEENA THUKRAL
ACCUSED NO.4

(Through VC using Cisco Webex App.)

This order shall decide the application u/s 439 Cr. P.C for bail filed on behalf of the accused no. 4/applicant Smt. Veena Thukral.

It is mentioned in the application that the accused is permanent resident of 30/6, East Punjabi Bagh, Delhi and one of the Directors of Accused No. 1 company M/s Sonshriya Polymers Pvt. Ltd. and represents the company.

It is mentioned that on receiving summons in this case, the accused came back to India from Australia by pre-poning her visit.

It is mentioned that the applicant has cooperated during investigation and the entire dues of the bank have been cleared and nothing is due to the complainant bank by the applicant.

The application is vehemently opposed by CBI. The reply mentions in detail the illegalities allegedly committed by this applicant. The application is opposed for the reasons mentioned in paragraph 8, 9, 10 and 11 of the reply, which are as under:-

"8. That, the accused petitioner is involved in a serious crime that has very adverse impact on the economic conditions of the country. Unless, a strong message is conveyed to such offenders that stringent legal action would be initiated against such criminals, effective control over this menace would not be possible.

CBI vs. M/s Sonshriya Polymers Pvt. Ltd. & Ors.
CC No. 165/2019
RC No. 18(E)/17

A. S. Sharma
10.07.2020

Page 1 of 3

9. That, if the accused is ordered to be released on bail there is every likely hood that she will misuse the liberty granted by the court, will harm/influence/threaten the witness and may abscond. Even otherwise, the grounds taken by the applicant in the bail application are inherently of no relevance or justifiable grounds.

10. That, it is evident from the conduct of the applicant, that the applicant has no regards for law of the land and her act of commission is quite alarming. Therefore, any relief to the accused petitioner is likely to send a wrong message to the society.

11. That, in view of the sensitive nature of the case due to gravity of the offence committed by her, the accused petitioner does not deserve any leniency."

Therefore, it is prayed that bail application be rejected.

Additionally, Ld. Sr. PP for CBI has argued that this accused has no permanent address and in the event of her fleeing away, there is no likelihood of finding her out.

During the arguments, it was informed by Accused No. 3 Sh. Rajeev Thukral that the address mentioned in the application for bail has since been sold to clear the dues of the bank and now he is residing as a tenant at 27/27, East Punjabi Bagh, New Delhi-110026.

This court has considered the rival submissions and is of the view that keeping in mind that the accused returned to India from Australia to face the trial and was not arrested during investigation; she is entitled to be enlarged on bail. Moreover, the civil liability of the bank has been cleared. However, keeping in mind the submissions of Ld. Sr. PP for CBI, the bail order is subject to the

CBI vs. M/s Sonshriya Polymers Pvt. Ltd. & Ors.
CC No. 165/2019
RC No. 18(E)/17

Ar. S. N. Singh
10.07.2020

Page 2 of 3

condition that the passport of Smt. Veena Thukral shall be deposited with the court within two working days from today and she shall not leave the country without permission of the court.

The interim bail granted vide order dated 05.03.2020 is confirmed. The personal bond and bail bond furnished at the time of interim bail shall be treated as bond for bail at this stage also.

With these directions, the application is disposed off.

Let a copy of this order be sent by WhatsApp for information to applicant and the learned counsels.



(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/10.07.2020

CBI vs. M/s Sonshriya Polymers Pvt. Ltd. & Ors.
CC No. 165/2019
RC No. 18(E)/17
PS, CBI/EOU-V/EO-II/New Delhi

10.07.2020

**ORDER ON APPLICATION OF BAIL OF SHAILENDER KUMAR
UPADHYAY ACCUSED No.2.**

(Through VC using Cisco Webex App.)

This order shall decide the application for bail filed on behalf of the accused/applicant Sh. Shailender Kumar Upadhyay under Section 439 Cr. P.C.

The applicant has mentioned that he was not arrested during investigation. He was summoned to join investigation on several occasions by CBI and he complied with the directions of CBI and cooperated with the investigation and chargesheet has been filed without arrest.

It is mentioned that applicant is a permanent resident of Delhi residing with his wife, family of his married son and has roots in society and there is no likelihood of his fleeing away from justice.

It is mentioned that the case is based on documentary evidence which are in the custody of the investigating agency and there is no likelihood of applicant tampering with evidence in any manner whatsoever.

It is further mentioned that accused is on bail in all other cases and is regularly appearing and abiding the directions of the court and no purpose shall be served by sending him to custody especially when his presence can be secured otherwise.

ASwamy
10.07.2020

CBI vs. M/s Sonshriya Polymers Pvt. Ltd. & Ors.
CC No. 165/2019
RC No. 18(E)/17

The application is opposed vehemently on behalf of CBI mentioning in details the illegalities committed by the accused. The objections to the bail application are mentioned in paragraph 15 and 16 as under:-

**15. That, the accused petitioner is involved in a serious grave economic crime that has a very adverse impact on the economic condition of the country. Unless a strong message is conveyed to such offenders that stringent legal action would be initiated against such criminals, effective control over this menace would not be possible. It is further submitted that on the issue of bail, consideration are different from other crime and the economic crimes comes within the definition of the grave offences.*

*16. That, if the accused is ordered to be released on bail there is every likely hood that he will misuse the liberty granted by the court, will harm/influence/threaten the witness and may abscond. Even otherwise, the grounds taken by the applicant in the bail application are inherent of no relevance or justifiable grounds.**

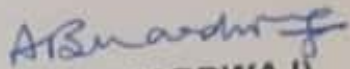
This court has considered the rival submissions and is of the opinion that as the accused was chargesheeted without arrest and has been appearing regularly before the court since then there is no apprehension of his fleeing away or interfering with the witnesses or evidences. Resultantly, the order of interim bail passed in favour of this accused on 24.12.2019 is confirmed, subject to furnishing of personal bond and bail bond of Rs.50,000/-.

The personal bond and surety bonds submitted at the time of interim bail are accepted as personal bond and surety bonds for permanent bail also.

CBI vs. M/s Sonshriya Polymers Pvt. Ltd. & Ors.
CC No. 165/2019
RC No. 18(E)/17

A. B. Sharma
10-07-2020

With these directions, the application is disposed off.
Let a copy of this order be sent by WhatsApp for information to
applicant and the learned counsels.


(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/10.07.2020

CBI vs. M/s Sonshriya Polymers Pvt. Ltd. & Ors.
CC No. 165/2019
RC No. 18(E)/17

Page 3 of 3

CC No.17/2020

CBI Vs M/s D.G.Footwear Pvt. Ltd. & Ors.

10.07.2020

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

None for A-1 M/s D.G. Footwear Pvt. Ltd.

Sh. Vijay Aggarwal, Ld. Counsel with Ms. Barkha Rastogi, Advocate, for A-2 Sandeep Rathi (present in person), A-3 Deepak Gupta (present in person) and A-4 Pankaj Kumar Chaudhary.

Sh. Shashi Bhushan, Ld. Counsel for A-5 Ajay Pal.

A-6 Ram Kumar Singh with Ld. Counsel Sh. Prakash Kashyap.

A-7 Rakesh Mangla with Ld. Counsel Sh. Anil Kumar.

None for A-8 Satish Kumar Garg.

A-9 Pawan Kumar Jindal with Ld. Counsel Sh. Samundar Sain.

A-10 Sanjay Kumar **in person.**

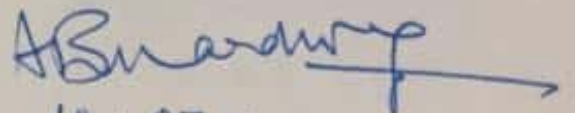
A-11 B.P.Singh with Ld. Counsels Sh.Sidharth Satija and Ms.Saujanya.

A-12 Rupesh Gupta with Ld. Counsel Sh.Anil Kumar.

Sh.Kshitij Ahlawat, Ld. Counsel for A-13 Sonal Gupta.

None for A-14 M/s NTG Builders Pvt. Ltd., A-15 M/s Factor Infotech Pvt. Ltd., A-16 M/s Shree Hari Overseas Pvt. Ltd., A-17 M/s Shirdi Wale Sai Exim Pvt. Ltd. and A-18 M/s Sachidanand Enterprises Pvt. Ltd.

A-7 Rakesh Mangla for A-19 M/s Aaghnya Trade Exim Pvt. Ltd. with Ld. Counsel Sh. Anil Kumar.


10.07.2020

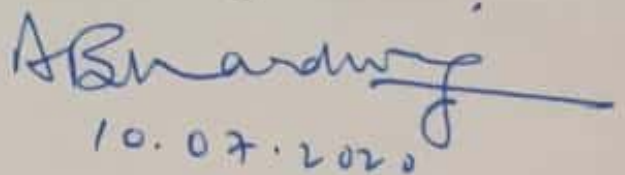
Sh. Vijay Aggarwal, Ld. Counsel for A-2, A-3 and A-4 submitted that he has no instructions for representing A-14 to A-18.

Sh. Anil Kumar, Ld. Counsel also appearing for A-19 submitted that he will file application on the next date of hearing for representation of A-19 by A-7 Rakesh Mangla.

Today, the case was fixed for reply to the bail applications filed by the accused persons. However Ld. Sr.PP for CBI submitted that although in the ordersheet it was mentioned that copies of bail applications are supplied, but the accused collected the chargesheet and documents, but did not supply the copies of bail applications to CBI.

Be that as it may, let copies of bail applications be sent online within three days by all the Ld. Counsels for the accused / accused in person to the official e-mail ID of the reader of the court which is readercbi05radc@gmail.com.

Let replies to the bail applications be filed by Ld.Sr.PP for CBI on the next date of hearing. Advance copy be served through Reader of the Court to the Ld. Counsels for the accused at least two days before the next date of hearing.

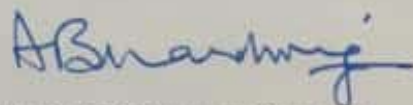

10.07.2020

Ld. District & Sessions Judge-cum-Special Judge, RADC, New Delhi has adjourned en-block this case to 13.08.2020.

List on **13.08.2020** for arguments on the bail applications of the accused and for direction with regard to A-1 and A-14 to A-19.

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

Today, no one has appeared for A-8 Satish Kumar Garg. Reader of the Court shall again contact the Ld. Counsel representing A-8 and share video link with him so that all the accused and their counsels are before the Court on the next date.



(ARUN BHARDWAJ)
Special Judge, CBI-05 (PC Act),
RADC, New Delhi/ 10.07.2020