

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

11.09.2020

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, Mr. Gaganjyot Singh, Ms. Smriti Ramchandran, Sh. Prince Kumar and Ms. Pinky Dubey.

Accused No. 2 Sh. Suresh Nanda (through VC from UAE) with Ld. Sr. Advocate Sh. Ramesh Gupta along with Sh. Sandeep Kapoor and Alok Sharma, Advocates.

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

**(Through VC using Cisco Webex App.)**

Sh. P.K. Dubey, Learned counsel for Accused No. 1 Shri Ashutosh Verma pointed out that in the order sheet of previous date of hearing, it is noted that the charge under section 13(1)(d) of PC Act, 1988 was set aside by the Hon'ble Delhi High Court whereas the submissions were that the matter was remanded back by the Hon'ble Delhi High Court with the directions to the trial court to reconsider framing of charge and the trial court had thereafter not framed any charge under section 13(1)(d) of the PC Act, 1988.

Further arguing with regard to the charge framed against accused No. 1 under section 7 of the Prevention of Corruption Act, 1988, the learned counsel submitted that demand is *sine-qua-non* for proving this offence which is missing in the present case. He submitted there is no evidence of any gratification or reward for doing any favour to Nanda group of companies.

Learned counsel relied on 2015 (10) SCC 15 A. Subair, 2016 (3) SCC 108 S. Satyanarayanmurthy, 2010 (3) SCC 450 Banarsi Das, 2015 (11)

SCC 314 C. Sukumaran, 2011 SCC online Delhi 909 Roshan Lal Saini to emphasize the importance of demand for proving the offence under Section 7 of the Prevention of Corruption Act.

The learned counsel submitted that neither Inspector V.M. Mittal nor Inspector Surinder Malik nor independent witness Sh. Phephe has spoken about any demand made by the accused. The learned counsel submitted that neither any offence under section 7 nor under Section 12 of the Prevention of Corruption Act nor under section 120B of IPC is made out against this accused or any accused. Now, the learned counsel addressed the next limb of his arguments i.e. the property at Goa. This property is measuring 11000 sq. mtr. at Morgen Beach, Goa standing in the name of M/s. Nitya Resorts Private Ltd. through its Director Mr. and Mrs. Saxena purchased for a sum of Rs.1,90,00,000/- (Rupees One Crore Ninety Lakh Only). The seller of the property was examined by CBI as PW-29 Shri Pradeep Sahni.

It was submitted that from the case of prosecution it is not clear who is the alleged owner of this property. Whether the owner is Shri Nikhil Nanda or Shri Ashutosh Verma or Shri Deepak Chawla? It was also submitted that prosecution has not proved that the same was the benami property of Shri Ashutosh Verma. It was submitted that prosecution has examined nearly 20 witnesses pertaining to this property.

The learned counsel referred to the evidence of PW-47 Shri Sidharth Paroolkar who is an architect and had conducted the survey of the property in question and deposed that he had met Shri Nikhil Nanda who had told him that he was the owner of this property.

He also deposed that he had received the payment of survey from Shri Nikhil Nanda. He also proved the statement of HDFC Bank, D-31 in which this a sum of Rs.25,000/- was credited by Shri Nikhil Nanda by way of cash deposit on 13.01.2020 with the description Cash Deposit-Jasola Vihar.

Next, the learned counsel read the evidence of PW-55 Shri Satish Gupta and deposed that in the year 2008, he had received a call from Shri Nikhil Nanda in respect of property of his friend. He deposed that he had received emails from Shri Sidharth Paroolkar, the architect who had surveyed the land for payment of his services. All the mails received by this witness from Shri Sidharth Paroolkar were sent by him to Shri Nikhil Nanda. The learned counsel referred to the emails exchanged in this regard to show that Shri Nikhil Nanda had asked for details of the bank where the remittance was to be made to Shri Sidharth Paroolkar.

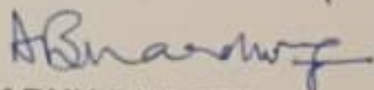
Before reading the evidence of seller of the property at Goa, PW-29 Shri Pradeep Sahni, the learned counsel read Exhibit PW-29/D1 which is the statement of this witness recorded under section 161 of Cr.P.C. on 29.09.2010. It was submitted that this statement was not provided to the accused with the chargesheet and they had obtained the same by the orders of the court under Section 207 of Cr.P.C. The learned counsel submitted that prosecution had sought to suppress the statement and for this reason adverse inference be drawn. In this statement, the witness has deposed that he had sold the property to Shri Amit Saxena.

Further arguments would now be heard on **Wednesday i.e. 16.09.2020 at 2:15 PM.**

Let a copy of this order be sent by WhatsApp to the learned Senior PP for CBI, all the accused and their learned counsels.

ARUN  
BHARDWAJ

Digitally signed by ARUN  
BHARDWAJ  
Date: 2020.09.11 21:09:00  
+05'30'

  
(ARUN BHARDWAJ)  
Special Judge (P.C. Act)(CBI-05)  
Rouse Avenue District Court,  
New Delhi/11.09.2020

C.Case No. 246/2019

CBI Vs Sunny Kalra & ors.

11.09.2020

Present: None.

The matter is taken up today as bail bond and surety bond alongwith scanned photocopy of the FDR bearing no.5030459555320 dated 11.09.2020 for an amount of Rs.1 Lakh drawn on HDFC Bank,Gole Market Branch, Delhi, have been received in the official e-mail ID of the Reader of the Court of from accused no.11 Sh.M.L.Nasa who has been granted interim bail till next date of hearing vide order dated 10.09.2020 passed by this Court. Same is accepted till next date of hearing.

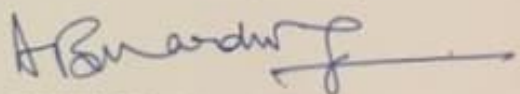
Personal bond has also been received on behalf of accused no.3 Sh.Pawan Arya who has been granted interim bail till next date of hearing vide order dated 10.09.2020 passed by this Court. The same cannot be accepted as it is not accompanied with the surety bond and relevant documents.

List on date already fixed i.e. 21.09.2020 at 11.00 A.M.

Let a copy of this order be sent by WhatsApp to Ld. Sr.PP for CBI, the accused and Ld. Counsel for the accused.

ARUN BHARDWAJ

Digitally signed by ARUN  
BHARDWAJ  
Date: 2020.09.11 21:56:34 +05'30'



(ARUN BHARDWAJ)  
Special Judge, CBI-05 (PC Act),  
RADC, New Delhi/ 11.09.2020