

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

17.08.2020

Present: **None.**

(Through VC using Cisco Webex App.)

The matter is taken up on deposit of original passport by Accused No. 4 Smt. Veena Thukral. Let the same be kept in safe custody by the Ahlmad of the court.

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

Be listed on date fixed i.e. **07.09.2020** at **11 am** through VC.

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(ARUN BHARDWAJ)
Special Judge (P.C. Act)(CBI-05)
Rouse Avenue District Court,
New Delhi/17.08.2020

17.08.2020

Present: Sh. B.K. Singh Ld. Sr. P.P. for CBI.

Convict No. 1 Sh. Dilbhajan Singh Sandhu through video conferencing due to medical condition with Ld. Counsels Sh. Yudhister Kahol and Sh. Deepak Sharma.

Convict No. 2 Smt. Sudershan Kapoor with Ld. Counsel Sh. Vijay Aggarwal and Ms. Barkha Rastogi.

Convict No. 3 Sh. Amit Kapoor with Ld. Counsels Sh. Vikram Panwar and Sh. Manoj Pant.

Convict No. 4 Sh. Rishiraj Behl with Ld. Counsel Sh. M.K. Verma.

(Through VC using Cisco Webex App.)

The case is at the stage of arguments on sentence.

Ld. Counsel for Convict No. 1 Sh. Dilbhajan Singh Sandhu has sent medical record of Sh. Dilbhajan Singh Sandhu for his treatment at Cheema Medical Complex, where he was admitted on 06.08.2020 and discharged on 08.08.2020 with the medical history of fall at home with injury to neck and left back of head.

Considering the medical condition of convict No. 1 Sh. Dilbhajan Singh Sandhu, he has attended present proceedings from his residence at Punjab through video conferencing. The Ld. Counsel has referred and relied on K.P. Singh vs. State of NCT of Delhi, Criminal Appeal No. 1264/15 decided by the Hon'ble Supreme Court vide order dated 28.09.2015 for lenient sentence.

The Ld. Counsel submitted that the convict lost agency of Mahindra & Mahindra due to this case. He had paid professional charges for procuring this loan to his Chartered Accountant. He has paid more than Rs.90,00,000/- to the bank towards one time settlement of civil liability. He submitted this included LIC policy and sale consideration of the house of the

AS Sandhu
17.08.2020

convict at New Rajendra Nagar, New Delhi. He submitted that convict is suffering from Glaucoma and his vision is reduced to less than 25%. He is suffering from high blood pressure and had fallen at home twice in recent past. He submitted that braces are fixed on the vertebra of the convict. He is 80 years of age and needs 24 hours assistance.

On behalf of convict No. 3 Sh. Amit Kapoor, arguments were addressed by Sh. Vikram Panwar, who submitted that he is adopting the arguments addressed by Sh. Yudhister Kahol, Ld. Counsel for Convict No. 1. Further, the Ld. Counsel submitted that this convict has no other antecedent and it is his first conviction. There is no potentiality of his becoming a criminal. He has two children who are studying and he is supporting his mother and mother-in-law and his entire family is dependent on him. He submitted that the trial lingered on for 22 years and this convict had cooperated during investigation as well as during trial. He did not obstruct the trial and he did not influence any witness. He submitted that this convict is suffering from hypertension and his eye surgery is also due.

Ld. Counsel submitted that under Section 467 Cr.P.C., as per Schedule 1, the punishment is for life only when the offence is pertaining to promissory note but KVPs are not promissory note. He submitted that otherwise offence is punishable upto 10 years only.

Ld. Counsel submitted that the convict is already a reformed person and during pendency of trial could not conduct any business. He submitted that due to pending pandemic, leniency be shown so that convict is not compelled to be sent to the jail forthwith.

On behalf of Convict No. 3 Sh. Rishi Raj Behl, arguments were addressed by Ld. Counsel Sh. M.K. Verma. Ld. Counsel Sh. M.K. Verma also adopted the arguments addressed by Sh. Yudhister Kahol, Ld. Counsel for Convict No. 1. Additionally, the Ld. Counsel submitted that this convict is a sole bread earner of his family. His daughter is studying in Canada who is dependent upon him. He submitted that the father-in-law of this convict is also dependent on him. There is no other case pending against him. The convict is

a reformed man now. He has done nothing detrimental to society. The convict could not carry out any business in the last two decades. The convict is relying on treatment record at Maharaja Agarsen Hospital where the convict was admitted on 13.01.2020 and discharged on 17.01.2020 as the accused had fracture of neck, of femur, right hip extruded disk L-4/L-5 with lumbar canal stenosis, neurogenic bladder.

He is also relying on treatment record of this convict at Maharaja Agarsen Hospital from 04.10.2015 to 06.10.2015 where he had undergone Coronary Angiography and was found to be suffering from double vessel disease. He has also relied on treatment of Dr. Avinash Chander Sethi dated 30.06.2020.

Lastly, arguments were addressed on behalf of Convict No. 2 Smt. Sudershan Kapoor by Ld. Counsel Sh. Vijay Aggarwal. The Ld. Counsel has filed application for taking on record relevant information and to consider the same while passing order on sentence and if required necessary enquiry. He has also filed list of judgments on arguments on sentence wherein conviction has been under Section 467, 420 and 411 IPC and has given 16 judgments. He has also filed list of judgments of short set arguments on sentence comprising of 14 judgments.

The Ld. Counsel submitted that there are stabilizing factors in favour of the convict as she is no more in service. There is no possibility of repeat of same offence. She has not committed any heinous offence like dacoity etc. to deserve severe imprisonment. She has faced hardship of 22 years of trial. Her family members are also part of society and they be also kept in consideration while undertaking sensitive exercise of sentencing. The convict is 75 years of age and is grand-mother to the children of her son and daughter. It will be a stigma for her if she is sent to jail. She is educating the grand-children. Admittedly, there is no flow of money in favour of this convict. She lost her gratuity and the provision in statute i.e. Section 13(1)(d) of P.C. Act has undergone sea change and is no more part of statute and this fact be

kept in mind that the society has changed the law deleting the offence with which this convict has been convicted.

On the other hand, Ld. Sr. PP for CBI Sh. Brajesh Kumar Singh submitted that under Prevention of Corruption Act, there is a minimum sentence prescribed and the convicts cannot be punished/sentenced below the minimum sentence. He submitted that sentencing is discretion of the court and he cannot deny the fact that the trial lingered on for 22 years and cannot deny the age of convicts.

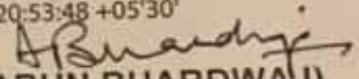
Sh. M.K. Verma, Ld. Counsel for convict No. 4 Sh. Rishi Raj Behl submitted that he is suffering from fever and case be kept in next week for order on sentence as he is likely to recover by then.

Considering the request of Sh. M.K. Verma, Ld. Counsel for convict No. 4, list on **25.08.2020 at 11:30 am for order on sentence** at Rouse Avenue District Court.

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

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(ARUN BHARDWAJ)

Special Judge (P.C. Act)(CBI-05)
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