

CBI Case No. 207/2019
CBI Vs. Ravinder Pal Raghav Etc. (Shiv Jyoti CGHS Ltd)

21.07.2020.

Present:- Mr. Neetu Singh, Ld. PP for CBI.
Proceedings qua A1 & A2 have already been abated due to their death.
Accused No. 8 has already been discharged.
Mr. Hitendra Nahata, Ld. Counsel for accused M.M. Sharma & Jyoti Sharma.
Mr. S.K. Bhatnagar, Ld. Counsel for accused P.D. Sharma & S.S. Negi.
Mr. R.S. Ahuja, Ld. Counsel for accused R.K. Srivastava.
Mr. Tanveer Ahmad, Ld. Counsel for accused Rajiv Gupta alongwith said accused.

Hearing was conducted today at 11:40 AM through Video Conferencing on Cisco Webex Meeting Platform facilitated by Ahlmad of the Court.

Written submissions have been filed Ld. PP as well as by the Ld. Counsel for A-3 R.K. Srivastava.

Ld. Counsel Sh. S.K. Bhatnagar appearing for accused P.D. Sharma and S.S. Negi as well as Ld. Counsel Sh. Hitendra Nahata appearing for accused M.M. Sharma & Jyoti Sharma seek some more time for inspecting the record of the case and obtaining copies of the relevant documents/evidence. Ld. PP as well as Ld. Counsel for the accused Rajiv Gupta have assured that they too will cooperate with Mr. Bhatnagar and Mr. Nahata in supplying the copies of whatever documents/evidence is available with them.

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Accordingly, further time is granted to Mr. Bhatnagar and Mr. Nahata for compiling their complete briefs. They shall now file written submissions on or before 03.08.2020.

The case shall now be taken up for oral submissions, if required, on 07.08.2020.

The Ahlmad is directed to send the copy of this order to the Computer Incharge, RADDC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



(VIRENDER BHAT)
SPL. JUDGE (PC ACT): CBI-15
ROUSE AVENUE DISTRICT COURT
NEW DELHI/21.07.2020

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**Directorate of Enforcement vs. M/s Chintels India & Ors.
Mr. Ramesh Solomon..... (Applicant)**

**ECIR M No. ECIR/01/HIU/2019 dated 25.01.2019
U/s 3 & 4 of Prevention of Money Laundering Act, 2002.**

21.07.2020

(Through CISCO Webex Meetings App.).

**Present: Sh. Manav Gupta and Sh. Sahil Gargh, Ld. Counsels for the applicant.
Sh. Vikas GArg, Ld. Counsel for Directorate of Enforcement.
IO Sh. Saurabh Mehta is also present.**

The hearing was conducted today at 11:00 am through CISCO Webex Platform facilitated by the Ahlmad of the Court.

Reply to the application has already been filed by the Directorate of Enforcement, copy of which has also been supplied to the Ld. Counsel for the applicant.

Arguments heard on the application.

The applicant is seeking release of his 6 FDRs which are stated to have been seized from his residence during a raid conducted by ED officials on 20.08.2019.

On the last date of hearing, doubt was expressed by this Court on the maintainability of the instant application before this Court and accordingly, parties have been heard today on the issued of maintainability.

It may be noted here that the case is still at the stage of investigation and the complaint is yet to be filed by the Directorate of the Enforcement before Designated Court.

While referring to various Sections of the Prevention of Money Laundering Act, 2002 (in short PMLA). Particularly Section 43, Section 44 and Section 17, It was argued by the Ld. Counsel for the

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applicant that this Court, being a Designated Court under the PMLA, is competent to hear the instant application and pass an appropriate orders thereupon notwithstanding the fact that the case is still at the stage of the investigation. It is his submission that the explanation added to clause d of sub-section 1 of Section 44 of PMLA in the year 2019 empowers the Designated Court to pass any orders even at the stage of investigation of the case. He would further argue that since the applicant is not at all concerned with the offence under investigation and his FDRs have been illegally seized and retained by the ED, his application for release of these FDRs is maintainable for this Court.

Per contra, Ld. Counsel appearing for the Directorate of Enforcement argued that the instant application is not maintainable before this Court and it is for the applicant to approach the Adjudicating Authority for redressal of his grievances. In order to buttress his arguments, the then Ld. Counsel relied upon Section 8 of the PMLA and further submitted that this Court is empowered to order release of any seized property only after conclusion of the trial and not at the stage of investigation. Ld. Counsel further submitted that the search was conducted by the ED officials at Premises No. 44, Golf Link, New Delhi on 20.08.2019 under Section 17 of PMLA and during the search, it was revealed that the premises is jointly owned by Mr. Ashok Solomon, his brother Mr. Ramesh Solomon (applicant herein) and their sister Ms. Asha Solomon. He pointed out that the search was conducted in presence of the applicant Mr. Ramesh Solomon and his statement was also recorded at that time. Ld. Counsel further submitted that the retention of all the seized documents/material was sought from the Adjudicating Authority under Section 17 of PMLA and the Adjudicating Authority vide its order dated 04.02.2018 has permitted the ED to retain all the seized documents/material. Ld. Counsel further argued that the said order of

the Adjudicating Authority cannot be assailed before this Court and it is for the applicant to assail the same before appropriate Forum/Court. He prayed for dismissal of the application as being not maintainable before this Court.

In rebuttal, Ld. Counsel for the applicant submitted that the applicant was not made a party to the application under Section 17 filed before the Adjudicating Authority upon which the order dated 04.02.2020 has been passed and therefore, the same is not binding upon the applicant.

Having heard the Ld. Counsel and having gone through the relevant provisions of the PMLA, this Court is of the opinion that the instant application is not maintainable. The documents/material including the FDRs belonging to the applicant, seized by the ED officials from House No. 44, Gold Link New Delhi have been permitted to be retained by the Adjudicating Authority vide order dated 04.02.2020. It may be noted here that there is mention of 6 FDRs belonging to the applicant in the schedule annexed to the application under Section 17 filed by the ED before the Adjudicating Authority. It is, thus, evident that the Adjudicating Authority has allowed the ED to retain these 6 FDRs also till the investigation of this case is over. From the perusal of the said order of the Adjudicating Authority, it is manifest that the applicant was aware about these proceedings. Contentions had been raised before the said authority by applicant's brother Mr. Ashok Solomon with regards to these 6 FDRs also which appear to have been rejected by the Authority. It appears that the applicant has deliberately chosen not to get himself impleaded as a party before the Adjudicating Authority in these proceedings. The order passed by the Adjudicating Authority under Section 17 of the Act cannot be assailed before this Court.

Sub-section 2 of Section 8 also provides a remedy for the person whose property has been seized by the ED and he claims that

the same is not involved in the money laundering. The proviso attached to this sub-section need to be reproduced hereunder:-

"8. Adjudication:- (1)

.....
.....


(2).....

.....
Provided that if the property is claimed by a person, other than a person to whom the notice had been issued, such person shall also be given an opportunity of being heard to prove that the property is not involved in money-laundering."

In view of the aforesaid proviso attached to sub-section 2 of Section 8, it is for the applicant to approach the Adjudicating Authority with the claim that 6 FDRs seized by the ED officials are not involved in money laundering. He has been ill-advised to approach this Court by way of the instant application.

Hence, the instant application is not maintainable before this Court and is hereby dismissed as such.

The Ahlmad is directed to send the copy of this order to PA to the Court of Ld. District & Sessions Judge, RADC, New Delhi and also to the Computer Branch, RADC, New Delhi who shall upload the same on the website of Delhi District Courts at the earliest.


(VIRENDER BHAT)
SPL. JUDGE (PC ACT), CBI-15,
ROUSE AVENUE DISTRICT COURTS,
NEW DELHI/21.07.2020.

CBI Case No. 34/2019
CBI Vs. JayaLakshmi Jaitly @ Jaya Jaitly Etc

21.07.2020.

Present:- Sh. Neetu Singh, Ld. PP for CBI. .
Ms. Nitya Ramakrishnan & Sh. Aaditya Vijay
Kumar, Ld. Counsels for A-1 alongwith A-1.
Sh. Vikram Panwar & Sh. Suyash Sinha, Ld.
Counsels for A-2 alongwith A-2.
Sh. Shivam Sharma, Ld. Counsel for A-3 alongwith
A-3.

Hearing was conducted today at 11.55 AM through Video Conferencing on Cisco Webex Meeting Platform facilitated by Ahlmad of the Court.

Vide separate judgment announced through video conferencing, all the three accused have been convicted as under:-

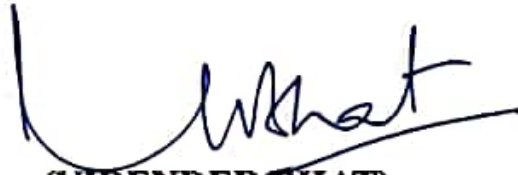
- (i) All the three accused stand convicted of the offence of conspiracy punishable u/s 120B IPC r/w section 9 of Prevention of Corruption Act, 1988;
- (ii) Accused Jaya Jaitly and accused Major General S.P. Murgai also stand convicted for the offence u/s 9 of Prevention of Corruption Act, 1988.

At the request of Ld. Defence Counsels, list for arguments on the quantum of sentence on 29.07.2020.



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The Ahlmad is directed to send the copy of this order to the Computer Incharge, RADC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



(VIRENDER BHAT)
SPL. JUDGE (PC ACT): CBI-15
ROUSE AVENUE DISTRICT COURT
NEW DELHI/21.07.2020

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**Pilatus Aircraft Ltd vs. State & Ors.
SPE/CBI/ACU-V/2019/2172019A0003**

21.07.2020.

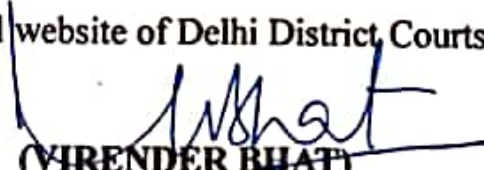
**Present:- Sh. Neeraj Chaudhary, Ld. Counsel for the
applicant.
Sh. Neetu Singh, Ld. PP for CBI.**

The hearing was conducted today at 10.30 AM through Video Conferencing on Cisco Webex Meeting Platform facilitated by Ahlmad of the Court.

Reply to the application has not been filed by the CBI. Ld. PP submits that on account of detection of some Covid-19 cases, the entire head office of CBI at CGO Complex, Lodhi Road, New Delhi, is lying closed ^{for} ~~from~~ last few days and is being sanitized and therefore, he could not prepared the reply. He seeks some more time for filing the reply. Reply be now filed by CBI on or before the next date of hearing with advance copy to the Ld. Counsel for the applicant.

List on 29.07.2020.

The Ahlmad is directed to send the copy of this order to the Computer Incharge, RADC, New Delhi as well as to Sh. Vivek, PA to Ld. District & Sessions Judge, RADC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.


(VIRENDER BHAT)
**SPL. JUDGE (PC ACT): CBI-15
ROUSE AVENUE DISTRICT COURT
NEW DELHI/21.07.2020**