

RC No. 224 2017 A0001/CBI/AC-VI/SIT
u/S. 120B IPC 8, 9 13(2) r/w. 13(1) d of PC Act 1988

The present matter has been taken up via CISCO Webex platform / video conferencing hosted by Sh. Narender Kumar, Reader of this Court in terms of orders of Hon'ble High Court bearing No. R-235/RG/DHC/2020 dtd. 16.05.2020, 16/DHC/2020 dtd. 13.06.2020, 22/DHC/2020 dtd. 29.06.2020, 24/DHC/2020 dtd. 13.07.2020, 26/DHC/2020 dtd. 30.07.2020 and 322/RG/DHC/2020 dated 15.08.2020 in the presence (on screen) of Sh. V. K. Pathak, Ld. PP for CBI along with IO SP Santosh Hadimani and Sh. Avnish Kumar, Pairvi Officer for CBI.

26.08.2020

Present : Sh. V. K. Pathak, Ld. PP for CBI along with IO SP Santosh Hadimani and Sh. Avnish Kumar, Pairvi Officer for CBI.

Vide earlier order dated 07.08.2020 of this Court, the present FIR or RC was taken up, in view of the judgment **Sakiri Vasu Vs. State of UP AIR 2008 SC 907** of the Hon'ble Supreme Court.

It was observed in said order dated 07.08.2020 as under:

“The present FIR or RC bearing No. RC 224 2017 A0001/CBI/ AC-VI/SIT was registered against Sh. Moin Akhtar Qureshi, Sh. Pradeep Koneru, Sh. A. P. Singh, Former Director, CBI & Others on 16.02.2017 u/S. 120B IPC, 8, 9, 13(2) r/w 13(1) d of PC Act, 1988 wherein allegations amongst others was that ‘Shri Qureshi has been indulging as a middleman for certain Public Servants’, the complainant in the said RC was Assistant Director, Directorate of Enforcement, Delhi Zonal Office, New Delhi, whereafter period of almost 3½ years has already elapsed, yet the

same has not reached its logical end. It appears to be moving at snails pace, whereas the offshoot of the said RC i.e. RC 13(A) 2018 CBI/AC-III (which is incidentally listed for today).

The investigations therein have already been concluded and charge sheet has been filed in February 2020 itself, and is pending before this Court.

Therefore, such open ended investigations which keep on gathering dust for years together may seriously erode the credibility / faith of public at large in premier investigating agency of India i.e. CBI, which is deleterious to rule of law, more so, when one of the accused in the above RC is Sh. A. P. Singh, Ex. CZAR or Ex. Director of CBI.

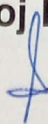
In these peculiar circumstances, interest of justice demands, let a status report be called from Worthy Director CBI regarding the investigations carried out in the present RC i.e. 224 2017 A0001/CBI/AC-VI/SIT, till date in view of Para 24 of above judgment of Hon'ble Supreme Court, Sakiri Vasu (Supra).

The said status report be positively filed on or before 26.08.2020, without fail."

Pursuant thereto a status report dated 25.08.2020 was filed on the E-mail of this Court by the IO. Para 8 & 9 of the same are reproduced as under:

"8. That however, since the role of Sathish Babu Sana was that of a suspect in the instant case and he was the complainant in RC.13(A)/2018/CBI/AC-III, hence it was decided that investigation of the instant case shall be taken up further once the investigation of RC 13(A)/2018/CBI/AC-III is concluded.

9. That the chargesheet in the case RC 13(A)/2018/CBI/AC-III was filed on 11.02.2020 against Sh. Manoj Prasad u/s 120-B r/w 420 & 385



IPC and Section 7 A and 8 of PC Act, 1988 (Amended) and substantive offences thereof. The investigation of the instant case was thereafter taken up again. However, not much progress could be made in the instant case since March 2020 onwards because of COVID 19 Pandemic Situation.”

It was further stated in concluding para 11 that presently the case is at the stage of investigation and shall be finalized at the earliest.

After hearing the Ld. PP for CBI and IO, some important and pertinent issues may arise for consideration at this stage tentatively namely :

- (a) How many documents have been collected / witnesses examined till far ?
- (b) What action has been taken / proposed to be taken against private persons named in FIR, whose names are found mentioned in BBM messages ?
- (c) What action has been taken / proposed to be taken against those public servants of whom Mr. Moin Akhtar Qureshi was allegedly acting as a middleman, as stated in FIR ?
- (d) That in lieu of bribes allegedly paid to Mr. Moin Akhtar Qureshi, what favours were obtained ? By whom, through whom ?
- (e) Whether any arrest proposal was made or prepared regarding the arrest of any of the suspect(s) in this case till date ?
- (f) Whether Ex-Director of CBI, Sh. A.P. Singh was ever examined in this case ?
- (g) Whether role of any CBI officer was examined in this case or that of any other public servant of any other department ?
- (h) Does as mentioned in para 8 of the reply filed by CBI as

above, merely because one person is complainant in RC 13(A)/2018/CBI/AC-III gives him immunity in other cases or present case ?

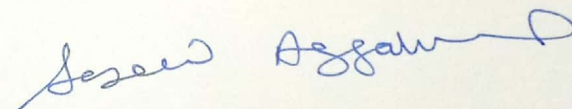
(i) What is the provisional time line under which, final report in this case is proposed to be finalized by the investigating agency ?

Put up for further status report / further proceedings on **24.09.2020.**

The e-mail copy / signed scanned copy of this order be sent to the Computer Branch, RADC by the Reader for uploading on the official website.

This signed order sheet be retained on the record to be put on the judicial file as and when the normal court working stand resumed.

The present order has been dictated to Sh. Amit Makhija, Sr. PA attached with the undersigned.



(Sanjeev Aggarwal)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/26.08.2020

CBI Vs. Colonel Ajay Kumar Singh & Ors.
RC No. 09(A)/2017/AC-III, New Delhi

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26.08.2020 (At 12:00 PM)

Present : Sh. V. K. Pathak, Ld. PP for CBI along with IO Sh. Suresh Kumar and Sh. Avnish Kumar, Pairvi Officer for CBI.
Neither the accused nor his counsel is present.

The matter was proceeding at the stage of arguments on the pending application(s) in terms of order dated 07.01.2020.

It is informed by the Reader of this Court that neither the accused nor his counsel could be contacted due to non availability of their contact number(s) on the record.

In these circumstances, put up for further proceedings/ purpose already fixed on **08.09.2020**.

In the mean time, issue court notice to the applicant / accused no. 5 for the NDOH.

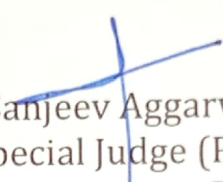
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(Sanjeev Aggarwal)
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