

**IN THE COURT OF MS. SANTOSH SNEHI MANN,  
SPECIAL JUDGE (PC ACT) : CBI-08 : RADC : ND**

In re:

**CBI Vs. Ashok Kumar Kapoor  
RC No. 75(A)2000/CBI/ACB/ND  
CC No. 41/2011**

**1. M. No. 39/2020**

Application of accused Ashok Kumar Kapoor for release of fine amount.

**2. M. No. 40/2020**

Application of surety Mrs. Surinder Rani for release of documents/FDR.

**3. M. No. 41/2020**

Application of surety Mohan Singh for release of documents/FDR.

**4. M. No. 42/2020**

Application of Manoj Kumar for release of amount seized by the CBI.

**07.08.2020**

*(Through CISCO Webex Meeting App)*

*Applications are taken up through Video Conferencing through unique court ID on CISCO Webex Meeting App, created under Delhi District Court domain, hosted by Mr. Pankaj Sanwal, P.A to this Court, in reference to the **Order No. Power/Gaz./RADC/2020/E-7784-7871 dated 30.07.2020 & Circular No. E-8051-8130/Comp/RADC/ND/2020 dated 03.08.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RADC, New Delhi.***

*Regular functioning of the Courts at District Courts, Delhi has been suspended since 23.03.2020 vide orders of Hon'ble High Court of Delhi bearing Nos. 373/Estt./E1/DHC dt. 23.03.2020, no. 159/RG/DHC/2020 dt. 25.03.2020, no. R-77/RG/DHC/2020 dt. 15.04.2020, no. R-159/RG/DHC/2020 dt. 02.05.2020, no. R-235/RG/DHC/2020 dt. 16.05.2020, R-305/RG/DHC/2020 dt. 21.05.2020, no. 1347/DHC/2020 dt. 29.05.2020, no. 16/DHC/2020 dt. 13.06.2020, no. 22/DHC/2020 dt. 29.06.2020 and no. 26/DHC/2020 dt. 30.07.2020.*

*Subject to the orders/directions of the Hon'ble High Court and Ld. District & Sessions Judge-cum-Special Judge (PC Act)(CBI), Rouse Avenue District Court, New Delhi received from time to time, cases are being taken up through Video Conferencing or adjourned.*

*Vide order No. Power/Gaz./RADC/2020/E-7784-7871 dated 30.07.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act)(CBI), Rouse Avenue District Court, New Delhi, it has been directed that all courts at Rouse Avenue District Court Complex shall take up all cases through video conferencing, however, evidence shall be recorded only in ex-parte and uncontested cases.*

**Present:** Advocate S.P. Kaushal, counsel for all the 04 applicants.

Mr. M. Saraswat, PP for CBI with Inspector Dharmendra Kumar, HIO and SI Ashok Kumar, *Pairvi* Officer.

Mr. Dhanesh Kumar, Reader and Mr. Narender Kumar, Ahlmad of this Court have also joined through Cisco Webex Meetings App.

**M. No. 39/2020**

Heard.

Record perused.

Reader has filed a report along with the scanned copies of counter-foils of fine payment receipts, cashier receipts, relevant portions of the fine register, FDR and the order of Hon'ble Delhi High Court dt. 21.01.2013 in Crl.A. 9/2013(Crl.M.A. no.32/2013), vide which, fine was directed to be deposited in the fixed deposit in a Nationalised Bank for an initial period of five years. Scanned copies of the orders of Ld. Predecessor dated 29.01.2013, 02.02.2013, 06.02.2013 and 08.02.2013 about deposit of fine and its conversion in FDR are also filed.

As per the record, out of the total of Rs. 2.5 lac, Rs. 1,00,000/- was deposited by convict Ashok Kumar Kapoor on 30.11.2012 vide fine receipt no. 0461428 and Rs. 1,50,000/- was deposited by Inspector Anil Bisht of CBI, ACB, New Delhi on 04.12.2012 vide fine receipt no. 0461429.

Ld. counsel has submitted that the amount was deposited by CBI towards the balance amount of the fine by the order of this Court, out of the cash recovered and seized from the house of the applicant during investigation. My attention is drawn to the orders of the Ld. Predecessor dated 27.11.2012 and 04.12.2012, scanned copies of which have been filed by the counsel.

On perusal of the record/orders, submission of ld. counsel is found correct, which is not disputed by the Ld. PP and HIO. It has already been observed by this Court in the proceedings dated 04.08.2020 that the fine amount of Rs. 2,50,000/- deposited was converted into a Fixed Deposit by the Ld. Predecessor on the directions of Hon'ble Delhi High Court dated 21.01.2013. As per the report of Ahlmad, original FDR of Rs. 2.5 lac is lying in the judicial record. CBI has no objection to the application.

Since the applicant Ashok Kumar Kapoor has been acquitted by the Hon'ble Delhi High Court vide judgment dated 14.02.2019 in CRL. A. No. 09/13 and SLP of CBI against the said order has been dismissed vide order/judgment dated 04.06.2020 in Special Leave Petition (Criminal) Diary No. 6642/2020, application is allowed. Fine deposited in the form of Fixed Deposit no. 379457 dated 08.02.2013 in the name of Ashok Kumar, UCO Bank, Patiala House is directed to be released to the applicant Ashok Kumar Kapoor. Original FDR from the record be handed over to the applicant against proper receipt and its photocopy be retained on record. Manager, UCO Bank, Patiala House is directed to release the amount of FDR in favour of the applicant Ashok Kumar Kapoor.

**M. No. 40/2020 & M. No. 41/2020**

Heard.

Record perused.

Ahlmad has filed the report along with the scanned copies of the surety bonds furnished by applicants Surinder Rani

and Mohan Singh, original FDRs submitted by the sureties with the bonds and concerned bail orders.

As per the record, applicant/accused Ashok Kumar Kapoor was granted bail, after filing of the charge-sheet, by Ld. Predecessor vide order dated 24.07.2003 on his furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety of the like amount. Consequently, applicant/surety Mohan Singh had furnished the bail bond. Pending appeal, applicant/accused Ashok Kumar Kapoor was granted bail by the Hon'ble Delhi High Court in CRL.A. 9/2013(Crl. M. B. No. 11/2013) vide order dated 21.01.2013 subject to deposit of fine and furnishing a bail bond in the sum of Rs. 25,000/- with one surety of the like amount. Consequently, applicant/surety Surinder Rani had furnished the bail bond.

Since trial has been concluded and convict Ashok Kumar Kapoor has been acquitted by the Hon'ble Delhi High Court, liability under the surety bonds comes to an end. Hence bail bonds are cancelled and applicants/sureties Mohan Singh and Smt. Surinder Rani are discharged. Their applications for release of the original FDR filed with the respective surety bonds are allowed. Original FDRs be released to the applicants against proper receipt and the photocopies be retained on record.

**M. No. 42/2020**

Heard.

Record perused.

By way of this application, applicant Manoj Kumar is

seeking release of an amount of Rs. 8,08,750/- kept in the Fixed Deposit by CBI, which was recovered and seized from a locker during investigation. Applicant Manoj Kumar claims to be rightful claimant being the son and legal heir of Late Smt. Shakuntala Devi, who was the joint holder of the bank locker no. 1284 at Punjab National Bank, Paharganj, New Delhi with the accused Ashok Kumar Kapoor.

CBI has no objection to the application and has submitted in the reply that in pursuance of the Hon'ble Delhi High Court dated 14.02.2019, it has no objection if the above amount is released to the legal heir of Late Smt. Shakuntala Devi. Learned PP with the assistance of HIO Inspector Dharmendra Kumar has submitted that the amount seized from the bank locker during investigation was deposited in the form of FDR no. 591992 drawn on Corporation Bank, Lodhi Complex, New Delhi in the name of Superintendent of Police, CBI, ACB, New Delhi and the original FDR is in the possession of CBI.

The documents filed along with the application include a judgment dated 20.08.2011 of the Probate Court, ADJ-II, Rohini, Delhi vide which Probate/Letter of Administration was granted in favour of the applicant Manoj Kumar in terms of a Will dated 30.04.2001 of late Smt. Shakuntala Devi. CBI was one of the respondents in that case.

Vide the order/judgment of the Hon'ble Delhi High Court dated 14.02.2019 in CrI. A. No. 9/2013 while acquitting Ashok Kumar Kapoor, it was ordered that the cash recovered be

released to the LRs of appellant's mother-in-law Smt. Shakuntala Devi, who had died on 07.01.2007 before she could have deposited in this case.

In the above facts and circumstances, application is allowed. The amount of Rs. 8,08,750/- recovered during investigation from the locker, subsequently kept in the Fixed Deposit by the order of the Court, is directed to be released to the applicant. CBI is directed to deposit the original FDR in the Court and the same be handed over to the applicant against proper receipt. Manager, Corporation Bank, Lodhi Complex is directed to release the amount of this FDR to the applicant Manoj Kumar, who is the rightful claimant being the legal heir of the deceased Lt. Smt. Shakuntala Devi.

At this stage learned counsel for all the applicants has submitted that applicants are close relatives and in the prevailing scenario of COVID Pandemic, applicant Ashok Kumar Kapoor be allowed to receive the documents on behalf of other applicants.

In view of the submission made, applicant Ashok Kumar Kapoor is allowed to collect the documents on behalf of other applicants in terms of this order, subject to proper written authorization from other applicants.

All the applications are disposed of.

Digitally signed copy of the order-sheet be sent to the Computer Branch, RADC for uploading it on the official website of Delhi District Courts.

Hard copy of the order sheet and copies of the

aforementioned orders of the Hon'ble High Court of Delhi and Ld. District & Sessions Judge-cum-Special Judge (PC Act)(CBI), Rouse Avenue District Court, New Delhi shall be placed on record in the judicial file by the Reader as and when physical functioning of the courts is resumed.

Order has been dictated on phone to Mr. Pankaj Sanwal, Personal Assistant.

(Santosh Snehi Mann)  
Special Judge (PC Act), CBI-08  
RADC/ND : 07.08.2020

*PS*