

CBI Vs. Monish Malhotra & Anr.

CC No. 341/2019

23.09.2020

Matter has been taken up through video conferencing hosted by Sh. R.C. Verma, Reader of this Court pursuant to the directions received from the Hon'ble High Court vide Order Nos. 26/DHC/2020 dated 30.07.2020 & 322/RG/DHC/2020 dated 15.08.2020 and in compliance of order bearing No. 417/RG/DHC/2020 dated 27.08.2020.

Present : None.

ORDER:-

1. Vide this order, I will dispose off two applications of accused A-1.

2. The first application is U/s 91 of CrPC seeking directions to the office of Home Secretary, Govt. Of India to place documents with complete details to ascertain that the phone tapping order has been forwarded to the Review Committee.

3. As per this application, the CBI made request to the Ministry of Home Affairs for seeking permission to put the phone of the accused under surveillance. After passing this order, the Home Secretary should forward the letter to Review Committee to investigate whether there is or has been a relevant order U/s 5 (2) of the Act. It has been argued that the Hon'ble Supreme Court in the judgment of PUCL Vs. Union of India, (1997) 1 SCC 301, has directed that an order for telephone tapping shall not be issued except by the Home Secretary and copy of the Order shall

be sent to the Review Committee within one week of the order. It is argued that this Order of the Review Committee is essential since the alleged phone conversation cannot be looked into by the court if there is no order of the review Committee and hence, directions should be given to the Home Secretary, GOI to place on record these documents.

4. The application is opposed for the reason that the said documents are not in domain of CBI as the order of the Review Committee, if any is communicated to the CBI only when the permission of tapping phone is disallowed and not otherwise and further, these documents cannot be looked into at this stage and accused shall have every right to summon these documents in his defence.

5. I have heard the submissions. Admittedly, Home Secretary, Govt. Of India against whom directions have been sought in this application is not a party to this litigation. The documents are not in power and control of CBI nor have been relied upon by CBI. There is no dispute to the law laid down by Hon'ble Supreme Court in the judgment of PUCL (supra) but the accused will have every right to summon and rely upon these documents in his defence. Accused cannot file an application at the stage of prosecution evidence seeking directions against a third party to place certain documents on record. The accused shall be at liberty to summon these records in his defence.

6. The application at this stage is devoid of merits and is dismissed.

7. The second application filed under the same provisions seeks directions against CBI to place on record all the transcriptions of all the audio conversations recorded in this case. As per this application, total 107 conversations were recorded but CBI has filed only 81 of these and it is prayed that CBI should be directed to file all the transcripts of 107 conversations.

8. The application is opposed by CBI on the ground that CBI has relied only on these 81 conversations and this is all with them.

9. I have perused the record. There are more than 81 conversations recorded by the CBI and CBI has not provided the remaining. The accused has every right to go through all the conversations recorded by CBI in this case. In fact, CBI is directed to provide recording of all the conversations apart from these 81 relied upon conversations to the accused. The accused shall be at liberty to prepare transcript of the same at his own end.

10. Accordingly, This application also stands disposed off.

11. Put up for further proceedings awaiting CFSL result on 16.10.2020.

12. This order be uploaded by the Reader on the official website.

**AMIT
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(AMIT KUMAR)

**Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi
23.09.2020**

CBI Vs. K.N. Aithal & Ors.

C.C. No. 114/19 (11/15)

23.09.2020

Matter has been taken up through video conferencing hosted by Sh. R. C. Verma, Reader of this Court pursuant to the directions received from the Hon'ble High Court vide Order Nos. 26/DHC/2020 dated 30.07.2020 & 322/RG/DHC/2020 dated 15.08.2020 and in compliance of order bearing No. 417/RG/DHC/2020 dated 27.08.2020.

Present: Sh. Om Prakash Ld. PP for CBI.

A-2 Ravi Malhotra, A-7 Romi Malhotra, A-15 Sandeep Jain, A-19 Vijay Grover and A-20 Ashutosh Aggarwal are in person.

A-13 Jai Narain Saggi along with Sh. Rohan Diwan Advocate.

Sh. I. D. Vaid and Sh. Dhruv Sehrawat Ld. Counsel(s) for A-17 Khemraj Aggarwal and A-20 Ashutosh Aggarwal. Exemption application of A-17 has been sent through WhatsApp.

Matter is listed for Prosecution Evidence.

Directions have been received from the Hon'ble High Court of Delhi that the evidence shall be recorded only in ex-parte and uncontested matters where the same is required to be tendered by way of affidavit.

Let this matter be fixed for Prosecution Evidence on **15.10.2020**.

In the meantime, Ahlmad is directed to get the case file scanned.

This order be uploaded by the Reader on the official website.

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(AMIT KUMAR)
Special Judge, PC Act, CBI-04,
RADC/ND/23.09.2020

CBI Vs. K.N. Aithal & Ors.

C.C. No. 115/19 (12/15)

23.09.2020

Matter has been taken up through video conferencing hosted by Sh. R. C. Verma, Reader of this Court pursuant to the directions received from the Hon'ble High Court vide Order Nos. 26/DHC/2020 dated 30.07.2020 & 322/RG/DHC/2020 dated 15.08.2020 and in compliance of order bearing No. 417/RG/DHC/2020 dated 27.08.2020.

Present: Sh. Om Prakash Ld. PP for CBI.

A-2 Ravi Malhotra, A-6 Romi Malhotra, A-8 Mahesh Kumar, A-12 Tarun Ahuja and A-15 Sandeep Jain are in person.

Sh. I. D. Vaid and Sh. Dhruv Sehrawat, Ld. Counsel(s) for A-3 Khemraj Aggarwal. Exemption application of A-3 Khemraj Aggarwal has been sent through WhatsApp.

Matter is listed for Prosecution Evidence.

Directions have been received from the Hon'ble High Court of Delhi that the evidence shall be recorded only in ex-parte and uncontested matters where the same is required to be tendered by way of affidavit.

Let this matter be fixed for Prosecution Evidence on **15.10.2020**.

In the meantime, Ahlmad is directed to get the case file scanned.

This order be uploaded by the Reader on the official website.

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(AMIT KUMAR)
Special Judge, PC Act, CBI-04,
RADC/ND/23.09.2020

CBI Vs. M/S. HIND AGRO INDUSTRIES LIMITED & ORS.

**R.C. NO. 05020200S0011 Dated 24.08.2020
SCU.V/SC-II/CBI/NEW DELHI
U/s 120B r/w 420 IPC and Section 13(2)
r/w Section 13(1)(d) of the PC Act 1988**

23.09.2020

Matter has been taken up through video conferencing hosted by Sh. R. C. Verma, Reader of this Court pursuant to the directions received from the Hon'ble High Court vide Order Nos. 26/DHC/2020 dated 30.07.2020 & 322/RG/DHC/2020 dated 15.08.2020 and in compliance of order bearing No. 417/RG/DHC/2020 dated 27.08.2020.

Present : Sh. Pankaj Kumar Gupta Ld. PP for CBI.
Sh. Barar Barqi Ld. Counsel for M/s. Hind Agro Industries Ltd.
Accused Sirajuddin Qureshi and accused B.B. Gupta are in person.
Accused Dr. SK Ranjhan alongwith Sh. Piyush Singh Advocate.

Today the case is fixed for filing of reply if any on behalf of the accused persons to the application under Section 165(5) Cr. P. C. of Investigating Officer.

Reply filed through mail by accused Dr. SK Ranjhan to the application under Section 165(5) Cr. P. C., wherein it is mentioned that accused Dr. SK Ranjhan has No Objection if the documents seized from his premises be retained by the Investigating Agency.

It is submitted by accused B. B. Gupta that he has No objection if the documents seized from his premises be retained by the Investigating Agency.

Accused Sirajuddin Qureshi seeks some more time to file the reply to the application of I. O on the ground that his counsel is out of station.

Sh. Barar Barqi, Ld. Counsel for M/s. Hind Agro Industries submits that he has not received the copy of the application filed by I. O.

Reader is directed to supply the copy of the application to the Ld. Counsel for M/s. Hind Agro Industries Ltd. on his respective email address to be provided by him today itself.

Let the matter be put up for filing of reply if any on behalf of accused Sirajuddin Qureshi and M/s. Hind Agro Industries Ltd. on **29.09.2020**. This order be uploaded by the Reader on the official website.

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(AMIT KUMAR)
Special Judge, PC Act, CBI-04,
RADC/ND/23.09.2020