

**CBI vs. Saurav Sharma**  
**RC No. DAI-2020-A/0024**  
**U/s 120 B IPC r/w Sec. 7, 7-A & 8 of PC Act.**  
**CNR no. DLCT-11000003-2022**

30.03.2022

Present: Sh. V. K. Pathak, Ld. PP for CBI alongwith Sh. Sudhanshu Dhar Mishra, the then SP/forwarding authority and HIO SI Suresh.

1. Oral explanation of Sh. Sudhanshu Dhar Mishra, the then SP/forwarding Authority is heard and after hearing his explanation, he stands discharged, as he submits that department will remain more diligent in future.

2. An application seeking permission to take over the un-relied case records/documents/articles from **RC-DAI-2020-A-0024** (Trap case against Saurav Sharma & Ors) to **RC-DAI-2021-A-0024** (DA Case against Saurav Sharma) has been moved by the IO/Inspector CBI/ACB Ravinder Kumar Bharti, who is stated to be the IO of the DA case bearing no. **RC-DAI-2021-A-0024**.

3. It is stated in the application that the present trap case was registered against accused Saurav Sharma details of which have been mentioned in the application and during the investigation of the present case bearing no. **RC-DAI-2020-A-0024**, number of documents were seized by the IO after completion of the investigation, charge-sheet was filed before this court alongwith the original documents.

4. The CBI had filed an application for obtaining the certified copies of certain documents details mentioned in para 4 of the application and on 24.01.2022, this court was pleased to allow the said application of CBI and was provided with the certified copies of the above documents, except two inventory memos (**mentioned at Srl. no. 4 (iv) & (v) of this application**).

5. It is further stated that two inventory memos made during the search proceedings on 18.08.2020 have not been cited as relied upon documents by the IO of **RC-DAI-2020-A-0024 (Trap Case)**. These two inventory memos are required for the purpose of investigation of the CBI case **RC-DAI-2021-A-0024 (DA Case)** and to submit the same alongwith the charge-sheet as relied upon documents in the competent court.

6. It is further stated that a sum of Rs.1,03,50,000/- and Rs.95,000/- were recovered on 18.08.2020 vide search/seizure memos mentioned at Srl. no. 4(ii) & (iii) and the above referred amount of Rs.1,03,50,000/- and Rs.95,000/- is also required is **RC-DAI-2021-A-0024 (DA Case)** to be cited as case property and the same may be allowed to be taken over from Case no. **RC-DAI-2020-A-0024 (Trap Case)**.

7. It has been accordingly prayed that the two inventory memos (un-relied) made during the search proceedings, an amount

of Rs.1,03,50,000/- and Rs.95,000/- recovered and seized vide separate search/seizure memos on 18.08.2020 made by the IO of **RC-DAI-2020-A-0024 (Trap Case)** may be permitted to be taken over from the IO/HIO of **RC-DAI-2020-A-0024 (Trap Case)** to **RC-DAI-2021-A-0024 (DA Case)** for investigation and to submit the same alongwith the charge-sheet before the competent court.

8. I have heard Ld. PP for CBI and have perused the record.

9. The two inventory memos which were made during the search of the residential premises of one Sh. Amit Sharma, at C-45, Sector-44, Noida and Flat no. 4X SISI Meridian, Velachery Chennai, are un-relied upon documents pertaining to the present case which is only a trap case, but the same would be the most relevant documents and would be relied upon documents in the DA case bearing no. **RC-DAI-2021-A-0024**.

10. Accordingly, the original inventory memos stated to be lying with the IO of the present case, are **permitted to be taken over** from the IO/HIO of the present **trap case** bearing no. **RC-DAI-2020-A-0024** to the **DA Case no. RC-DAI-2021-A-0024**, **alongwith** the relevant **articles seized/found during the said searches**.

11. Regarding the another prayer that the amount of

**Rs.1,03,50,000/- and Rs.95,000/-** which were seized vide separate seizure memos dt. 18.08.2020 and 19.08.2020 by the IO of the present Trap Case is also allowed to be taken over from the IO of the present case bearing no. **RC-DAI-2020-A-0024 (Trap Case)** to the case bearing no. **RC-DAI-2021-A0024 (DA case)**, as the trap money in the present case is stated to be Rs.7,00,000/-, as revealed from the pleading of the charge-sheet.

12. The above application stands disposed off accordingly.

13. Copy of this order be given dasti to the IO, as prayed.

14. After hearing the Ld. PP for CBI and perusal of the record, it is discussed as under:-

15. Brief facts of the case, as per the charge-sheet, are as under: -

**16.1. The instant case was registered on 17.08.2020 u/s 120 B of IPC r/w U/s 7, 7A, 8 and 9 of PC Act 1988 (as amended in 2018) against Sh. Saurav Sharma, Appraiser, Office of Chief Commissioner of Customs, Custom House, 60, Krishna Block, Rajaji Salai, Opp. Dist. Collectorate, Chennai, Tamilnadu, and Sh. Ram Kishan Mishra (private person), Sh. Ravi Sharma of M/s Him Logistics Pvt. Ltd., Sh.**

**Onkar Singh of M/s Uniclear, Sh. Kishore (private person) and other unknown persons on the basis of source information.**

**16.2. It is alleged in the FIR that Sh. Ram Krishan Mishra of M/s IMEXCON, 23/5, First Floor, East Patel Nagar, New Delhi R/o D-170, 1<sup>st</sup> Floor, Shyam Park, Extension, Sahibabad, Ghaziabad, UP, Sh. Onkar Singh of M/s Uniclear R/o H. No. B 437, Gali no. 6 Sai Nagar, Mithapur Extension, Jaitpur, Delhi and Sh. Ravi Sharma of M/s Him Logistics Pvt. Ltd., 2151, 3 D, New Patel Nagar, Shadipur, New Delhi R/o T 510 E9 Hill Marg, Baljit Nagar, Near Gopal Dairy, New Delhi (all Customs House Agents) are involved in corrupt and illegal activities in connivance with officials of Inland Container Depot (ICD), Tuglakabad, Delhi and private persons.**

**16.3. It has been learnt from the source that Sh. Ram Kishan Mishra and Sh. Ravi Sharma have been delivering illegal gratification on the regular basis to the officials of ICD Tuglagabad for extending undue favours for inspection and clearance of import**

**consignments.**

**16.4. It has been further alleged that Sh. Ram Krishan Mishra is in regular contact with Sh. Saurav Sharma, the then Appraiser, ICD, Tuglagabad, now posted at Office of Chief Commissioner of Customs, Custom House, 60, Krishna Block, Rajaji Salai, Opp. Dist. Collectorate, Chennai, Tamilnadu for getting cleared import consignments of his company and also for the other companies. It has also been alleged that officials of ICD, Tuglagabad, Sh. Ram Kishan Mishra and Sh. Ravi Sharma are using coded language i.e. one star, two star, one pepsi, seven files etc. for the exchange of bribe. It is further alleged that Sh. Ram Kishan Mishra was using his contact to divulge inside information related to pending files to the parties.**

**16.5. It is further alleged that Sh. Ram Kishan Mishra in connivance with Sh. Ravi Sharma, Sh. Onkar Singh and others collected illegal gratification/undue advantage on regular basis and got delivered to officials of ICD, Tuglakabad for clearing the import**

**consignment.**

**16.6. It is further alleged that Sh. Saurav Sharma was transferred to Chennai, Sh. Saurav Sharma joined duty at Customs, Chennai on 09.07.2020, but despite his transfer, he was regularly pursuing private parties for payment of pending undue advantage in lieu of import consignment cleared by him during his tenure at ICD Tuglagabad.**

**16.7. It is further alleged that on 08.07.2020 Sh. Saurav Sharma told Sh. Ram Krishan Mishra that one person from M/s Uniclear will deliver him Rs.94,500/- and accordingly Sh. Onkar Singh of M/s Uniclear had delivered Rs.90,000/- to Sh. Ram Kishan Mishra for Sh. Saurav Sharma on 08.07.2020.**

**16.8. It is further alleged that on 17.08.2020 Sh. Saurav Sharma asked Sh. Ram Kishan Mishra that he will depute a person to collect payment of undue advantage (illegal gratification) on his behalf. It has been further alleged that Sh. Ram Krishan Sharma has delivered the payment of Rs.7 lakh as undue advantage (illegal gratification) to Sh. Kishore**

**on the behalf of Sh. Saurav Sharma on  
17.08.2020 at ICD Tuglagabad.**

16. After the conclusion of the investigation and the evidence collected by the investigating agency during the course of investigation, charge-sheet for the offences punishable **U/s 120 B IPC r/w Section 7, 7A and 8 of PC Act 1988 (As amended in 2018)** and substantive offences thereof has been filed in the court, in respect of accused persons, namely, Saurav Sharma (A-1) (the then Appraiser), Ram Kishan Mishra (A-2), Onkar Singh (A-3), Kishore Kumar Shirchandani (A-4) and Neeraj Kumar (A-5), who were all arrested during the investigation (except A-3 Onkar Singh) and were enlarged on bail, **whereas one accused/suspect Ravi Kumar Sharma has been kept in column no. 12 of the charge-sheet**, regarding whom nothing has been mentioned in the charge-sheet as to why he has been shown in column no. 12, but it is orally submitted by the prosecution that no prosecutable evidence could be found against him during the investigation. The Ld. PP for CBI has also taken through this court to various documents placed on the record in this regard.

17. The accused Saurav Sharma (the then Appraiser) is a public servant.

Alongwith the charge-sheet the Sanction for prosecution qua accused Saurav Sharma (A-1), granted by the competent authority vide Sanction Order dated 29.10.2021 has also been filed.

18. After perusal of the charge-sheet, the statement(s) U/s 161 Cr. P. C. of the witnesses, sanction(s) u/S. 19 of PC Act, 1988 qua the accused Saurav Sharma dated 29.10.2021, and the other relevant documents on the record, **I hereby take cognizance of the offence(s) U/s 120 B IPC r/w Section 7, 7-A and 8 of PC Act 1988 (as amended in the year 2018) and substantive offences thereof.**

19. Let the accused persons namely **Saurav Sharma (A-1) (the then Appraiser), Ram Kishan Mishra (A-2), Onkar Singh (A-3), Kishore Kumar Shrichandani (A-4) and Neeraj Kumar (A-5)** be summoned for **05.05.2022**.

20. IO is also directed to appear on the NDOH along with copies of the charge sheet and relied upon documents.

(Sanjeev Aggarwal)  
Special Judge (PC Act) (CBI)-02  
Rouse Avenue District Court  
**New Delhi/30.03.2022**