

CC No. 3/2022  
CNR No. DLCT 11-000003-2022  
RC No. DAI-2020-A/0024  
CBI v. Saurav Sharma & Ors.

23.12.2025

(Present proceedings have been conducted on Hybrid Mode)

Present : Mr. Raj Kamal, Ld. PP for CBI.

A-1 Saurav Sharma, through VC.

Other four accused are physically present.

Applicant Mahendra Kumar Tiwari, physically present.

Ld. Legal Aid Counsel Mr. Keshav Sharma for

applicant Mahendra Kumar Tiwari, physically present.

Sh. Naveen Kumar, Ld. Counsel for all accused, except  
A-2, physically present.

Sh. Sansakar Krishnan and Sh. Kushagra Sinha, Ld.  
Counsels for A-2, physically present.

1. PW10 Azad Singh cross-examined and discharged.
2. Further arguments on the application of Mr. Mahendra Kumar Tiwari (PW13), filed on 14.10.2025, seeking release of cash of Rs. 3.50 lacs heard. Record perused.
3. In brief, the prosecution case is as follows.

(I) This is a trap case under section 120B of Indian Penal Code read with sections 7, 7A and 8 of Prevention of Corruption Act and the substantive offences thereof. The allegations in brief are that A-2 Ram Krishan Mishra of M/s Imexcon and A-3 Onkar Singh of M/s Uniclear were involved in corrupt and illegal activities in connivance with government officials of Inland Container Depot (ICD), Tughlakbad, Delhi and other private individuals. They used to allegedly pay illegal gratification on regular basis to ICD

officials for undue favours for inspection and clearance of import consignments. At the relevant time, A-2 R. K. Mishra was in regular touch with A-1 Saurav Sharma who was posted as Appraiser, ICD, Tughlakbad, Delhi for clearance of import consignment of his company and few other companies. Coded words were allegedly used for exchange of bribe. Even after his transfer to Chennai on 09.07.2020, A-1 Saurav was regularly pursuing private parties for payment of pending undue advantage in lieu of the import consignments that he had cleared during his tenure at ICD, Tughlakbad, Delhi.

(II) On 08.07.2020 A-1 Saurav Sharma telephonically informed A-2 R. K. Mishra that a person from M/s Uniclear (firm of A-3 Onkar Singh) will deliver him Rs. 94,500/-. Accordingly, A-3 Onkar Singh (of M/s Uniclear) delivered Rs. 90,000/- to A-2 R. K. Mishra on behalf of A-1 Saurav Sharma on 08.07.2020. This telephonic call as well as few others were intercepted under the orders of the Secretary, Ministry of Home Affairs. In the intercepted call of 08.07.2020, A-1 Saurav Sharma and A-2 R. K. Mishra spoke to each other about transaction of the amount qua M/s Uniclear (of A-3 Onkar Singh), And, in that conversation, Saurav Sharma (A-1) directed R. K. Mishra (A-2) that M/s Uniclear would make payment of Rs. 94,500/- and that he should not accept anything less than Rs. 94,500/-. In his telephonic conversation with Saurav Sharma (A-1) the very same day (08.07.2020), A-3 Onkar told him that he had given

85 to *bhaiya* and 10% has been deducted. To this, A-1 Saurav stated, "*Kis hisab se wo, jara dhang se de de, bematlab dimag ki dahi mat kar vaise time nahi hai.*" In another conversation A-1 R. K. Mishra informed A-1 Saurav that *nine zero have done*.

(III) Then on 17.08.2020 A-1 Saurav Sharma asked A-2 R. K. Mishra that he would depute someone to collect payment of illegal gratification on his behalf. A-2 R. K. Mishra delivered Rs. 7 lacs as illegal gratification in a brown envelope to A-4 Kishore Kumar who accepted the same on A-1 Saurav's behalf on 17.08.2020 at ICD, Tughlakbad, Delhi. After A-2 R. K. Mishra made the delivery of Rs. 7 lacs at ICD, Tughlakbad, Delhi, a team comprising of CBI officers and two independent witnesses apprehended him at Maa Anandmayi Marg, Delhi. Thereupon, A-2 R. K. Mishra spoke to A-4 Kishore Kumar over the phone and which conversation was duly recorded. In the said telephonic conversation, A-2 R. K. Mishra enquired about delivery of *files* (bribe amount) to which A-4 Kishore Kumar replied that he delivered the same to *bhai saheb*. CBI team then reached the residence of A-4 Kishore Kumar, and he told the CBI that he had delivered the said amount of Rs. 7 lacs to one Sonu (employee of A-5 Neeraj). Thereupon, premises of A-5 Neeraj was searched and a cloth bag containing Rs. 7 lacs was recovered.

(IV) After ascertaining A-1 Saurav's address, his premises was searched. A-2 R. K. Mishra, A-4 Kishore

Kumar and A-5 Neeraj were arrested on 18.08.2020. A-1 Saurav was also arrested on 18.08.2020 and brought to Delhi.

(V) During the course of investigation few individuals gave statements to CBI stating that as a routine practice Rs. 500/- to Rs. 5,000/- used to be paid at ICD, Tughlakbad, Delhi and that A-2 R. K. Mishra used to take the payment for clearance of bills of entry by A-1 Saurav Sharma.

(VI) During the course of investigation, on 23.08.2020 CBI searched the premises of applicant, Mahendra Kumar Tiwari (PW13), and recovered Rs. 3,50,000 from behind the idols kept in his *pooja* room. This search was conducted by PW29 Inspector Veer Jyoti in the presence of independent witness, namely Munna Lal Singh (PW26). As per CBI case, at the time the search was conducted, the applicant, Mahendra Kumar Tiwari (PW13), was not present at his residence, and the search was carried out in the presence of his family members, namely, Manoj Tiwari and Rekha Tiwari.

(VII) It appears that CBI's case is that this cash of Rs. 3,50,000/- in fact belonged to A-2 R. K. Mishra.

(VIII) It is also CBI's case that, after A-2 R. K. Mishra's apprehension, applicant Mahendra Kumar Tiwari (PW13), went to the office where they worked, forced open the gate (as he did not have the keys and which keys were in A-2 R. K. Mishra's custody), retrieved a bag containing cash along another bag containing a file, purportedly with the intention

of keeping them secure and beyond CBI's notice, and thereafter concealed the said cash behind the idols kept in *pooja* room of his house and discarded the bag; he also changed his dress in order to avoid being identified.<sup>1</sup>

4. Now to averments in the application under consideration. Applicant Mahendra Kumar Tiwari (PW13) states that he was an employee of M/s Imexcon (A-2 R. K. Mishra too worked in M/s Imexcon) and was performing his duties at ICD, Tughlakbad, Delhi and IGI Airport, Delhi for clearance of imported goods; that after the arrest of A-2 R. K. Mishra, a raid was conducted at his house in Delhi on 23.08.2020; that initially, in the first half of the raid, CBI officers could find nothing in his house, but they pressurised him and his family members to manage Rs. 3,50,000/- in order to show it as recovery from his house or else they would falsely implicate him; that consequently, he and his brother arranged Rs. 3,50,000/- and kept the same behind the idols in *pooja* room of his house and eventually the same was shown as recovery from his house; that at that time one of his male cousins was hospitalised due to COVID-19 and as his condition was serious, arrangements for money had been made by taking some from his family and some from his real brother who had quit his job; that from these sources the cash of Rs. 3,50,000/- was kept behind the idols in *pooja* room of his house. On these averments, he seeks release of the cash of Rs. 3,50,000/-.

5. CBI in its reply has vehemently opposed this application. CBI states that the allegations levelled by applicant Mahendra

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<sup>1</sup> This is discernible from Mahendra Kumar Tiwari's statement dt. 23.08.2020 under section 161 of CrPC.

Kumar Tiwari in his application are false. CBI avers that search was conducted peacefully and in a cordial manner in the presence of an independent witness, namely, Munna Lal Singh (PW26) and applicant's family members, namely Manoj Tiwari and Rekha Tiwari.

6. In the trial, applicant Mahendra Kumar Tiwari (PW13) turned hostile. The relevant extract of his oral evidence, made on oath is under:

".....Vol. **Thereafter, CBI officials searched my house and no money was found at my house.** Vol. Thereafter, they left my house along-with me to CBI office. Vol. **Thereafter, CBI officials particularly one Mr. Mishra who was Deputy Commissioner beaten me.** Vol. He told me that he needs money, otherwise my whole family would be put behind bars. Vol. **Thereafter, he sent one CBI team consisting of two ladies at my house.** Vol. **I do not know what happened at my house.** Vol. **After some time, CBI officials received call from lady official that money has been recovered.** Vol. In meanwhile, one Inspector whose name I do not remember took printer wire and started beating me by taking me to bathroom by saying that how lady officials were able to recover the money when he could not find the same during search of my house. Vol. He told that my brothers might have got the recovery made from somewhere.

At this stage, Ld. PP wants to declare the witness hostile and seeks permission of the Court to cross-examine the witness.

Allowed.

**xxxx by Ld. PP for CBI.**

I did not make any complaint before any authority regarding beating by CBI officials as I had got frightened. I did not got myself medically examined. It is wrong to suggest that I am lying falsely as neither I was beaten by CBI officials nor any money was demanded by me nor any threat was extended and that is why I did not make any complaint to any authority nor I got myself examined medically.

It is wrong to suggest that I had picked two things from

the office of Deepak Mittal<sup>2</sup>, one was file and one was bag. Vol. It was a file only contained in one bag. It is correct that my statement was recorded by CBI.

I am Graduate by qualification.

At this stage, witness has been shown statement u/s 161 Cr.P.C. dated 23.08.2020 and has been read over portion from portion A to A. Witness states that there was only one file contained in one polythene bag. There was no additional bag. Witness denied having stated to IO that there was one separate bag. Witness is confronted with the portion A to A. The portion A to A is marked PW13/1.

**It is wrong to suggest that there was money in bag and I kept the money behind the photo in temple of my house and after keeping the amount there I thrown the bag near my house and I also thrown my dress which I was wearing. The witness denied having stated the same to IO. Witness is confronted with the portion B to B. The portion B to B is marked PW13/2....."**

7. Learned Legal Aid Counsel for applicant Mahendra Kumar Tiwari has argued in support of the application. He submits that as per the prosecution case the said cash of Rs. 3,50,000/- was recovered from the house of applicant Mahendra Kumar Tiwari and as such the same ought to be released to him. He urges that the Apex Court has laid down guidelines for release of articles/ case properties/ cash in Sunderbhai Ambalal Desai v. State of Gujarat, (2002) 10 SCC 290 and in terms thereof the said cash of Rs. 3,50,000/- recovered from applicant's house ought to be released to him. He also places reliance on Dadu @ Ankush & Anr. v. State of Madhya Pradesh & Anr., 2025 INSC 1395 to contend that evidence of a hostile witness is not to be completely rejected, if spoken in favour of either the prosecution or the accused. He submits that under the extant law the evidence of hostile witness

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<sup>2</sup> The reference to the *office of Deepak Mittal* is apparently to the office of M/s Imexcon, where A-2 R. K. Mishra as also applicant Mahendra Kumar Tiwari worked.

has to be duly considered with the only rider that it has to be subjected to a closer scrutiny. He urges that outright rejection of evidence of a hostile witness is contrary to law. He next urges that the seized cash of Rs. 3,50,000/- is not at all connected with commission of the offence and as such the same ought to be released and for this he relies on Shento Varghese v. Julfikar Husen & Ors., [2024] 6 SCR 409. He submits that the very pre-condition to invoke section 102 of CrPC, in order to seize property, is existence of a direct link between the tainted property and the alleged offence, and absent such link the seizure by the police is illegal. On this premise, he submitted that there is no direct link in this case to connect the said cash of Rs. 3,50,000/- with the commission of the alleged offence(s) by the accused persons. He lastly urges that pending the final outcome of this case the said cash of Rs. 3,50,000/- may be released to applicant after taking sufficient security from him and by putting him to such terms as this Court deems appropriate.

8. Ld. PP for CBI argues that the cash of Rs. 3,50,000/- cannot be released to the applicant inasmuch as at no point during his evidence did he ever own up that it belonged to him. He points out that even in his cross-examination, either by the prosecution or by the defence, applicant Mahendra Kumar Tiwari did not accept that the said money of Rs. 3,50,000/- belonged to him.

9. Having heard the submissions and perused the record, this Court is not inclined to allow this application. As per the CBI case, the said cash of Rs. 3,50,000/-, purportedly belonging to A-2 R. K. Mishra, was recovered from applicant Mahendra Kumar Tiwari's

house. However, at no point of time during the course of his oral evidence on oath did the applicant (PW13) ever own up that the said cash of Rs. 3,50,000/- actually belonged to him, or that it was recovered from his house. This was so much so that even in his cross-examination, either by the prosecution or by the defence, he did not own up that said cash of Rs. 3,50,000/- actually belonged to him, or that it had been recovered from his house.

10. Aside from the above, the version which the applicant now sets out in his instant application is altogether missing in his statement on oath (oral evidence) made before this Court. In his oral evidence, applicant Mahendra Kumar Tiwari has *not* stated that – ‘*CBI pressurised him and his family members to manage Rs. 3,50,000/- in order to show it as recovery from his house or else they would falsely implicate him; that consequently, he and his brother arranged Rs. 3,50,000/- and kept the same behind the idols in his pooja room and eventually the same was shown as recovery from his house; that one of his male cousins was hospitalised at that time due to COVID-19 and since his condition was serious, arrangements for money had been made by taking some from his family and some from his real brother who had left his job.*’ The version which the applicant Mahendra Kumar Tiwari (PW13) now put across in his application is completely at odds with his oral evidence. His statement in his oral evidence is altogether different than the version which he now makes in his application. It does appear to me that Mr. Mahendra Kumar Tiwari, in order to suit his convenience, has been taking up different stands at different point of time. This certainly is

unacceptable.

11. Thus, for the aforesaid two reasons, this Court is not inclined to allow this application of applicant Mahendra Kumar Tiwari; especially when he did not in his oral evidence on oath own up to be the rightful claimant of the said cash of Rs. 3,50,000/-. This application of applicant Mahendra Kumar Tiwari stands dismissed.

12. Issue summons to PW Sh. G. Ravindernath, IRS, Principal Commissioner of Customs (General), Custom House No. 60, Rajaji Salai, Channai – 600001 for next date of hearing. List the matter for RPE on 08.01.2026.

(M. P. Singh)  
Special Judge (PC Act) CBI-02  
RADC/New Delhi/23.12.2025