

CC No. 354/19

CBI VS. Rakesh Tiwari & Ors.

14.09.2020

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-1 Rakesh Tiwari alongwith Sh. Ajit K. Singh, Advocate.

Sh. Nikhil Malhotra, Advocate for A-3 Rohit Srivastava.

Applicant/approver Neeraj Raja Kochhar alongwith Sh. Neeraj Chaudhary and Ms. Astha Nigam, Advocates.

None for A-4 Robindra Pradhan.

Reply on behalf of CBI to the application of applicant/approver Neeraj Raja Kochhar seeking permission to travel abroad to additional country i.e. Romania till 31/12/2020 has already been filed through mail on 07.09.2020. Copy of the same had already been supplied to the Ld. Counsel for accused persons on their email addresses by the CBI on the same day.

Arguments heard on the application of applicant Neeraj Raja Kochhar.

It is submitted by the Ld. PP for the CBI that the applicant has not provided any document showing his appointment in Romania with any business associate in future. He has not mentioned the proposed dates or any urgency to his visit there. It is further submitted by the Ld. PP for CBI that if permission is granted to him, he may be financially bound down.

It is submitted by the Ld. Counsel for applicant /approver Neeraj Raja Kochhar that the applicant/approver had already deposited an additional security of Rs. 20 lacs in the form of FDR in the Court.

Perusal of the record shows that vide order dated 17.07.2020, the applicant /approver Neeraj Raja Kochhar was permitted to travel different countries from 01.08.2020 to 31.12.2020 as mentioned in para no. 6 of that application and the terms & conditions to travel abroad mentioned in order dated 06.08.2019 to remain the same. As per record, applicant/approver Neeraj Raja Kochhar has never misused nor violated the conditions imposed on him while permitted to visit abroad on earlier occasions. Whether his visit abroad to meet his clients is necessary and urgent is to be decided by the applicant himself and the court cannot substitute its opinion for him. The applicant /approver Neeraj Raja Kochhar had already deposited an additional security of Rs. 20 lacs in the form of FDR in the Court in compliance of the order dated 06.08.2019.

In view of the above, this application is allowed and the applicant /approver Neeraj Raja Kochhar is allowed to travel to additional country i.e. Romania till 31.12.2020. Applicant/approver is directed to furnish an undertaking that he will be present in court on each and every date of hearing and will never seek exemption nor adjournment on the ground that he is abroad.

Reader is directed to supply the copy of this order to Ld. PP for CBI and Ld. Counsel for applicant on their email addresses. It is also submitted by Ld. counsel for applicant/approver that his name be deleted from the array of accused and be shown in the list of witnesses as a witness as applicant has been granted pardon by this court after allowing his application to become approver vide order dated 29/02/2020. Since applicant Neeraj Raja Kochhar has been granted pardon after becoming an approver, I.O. is directed to file amended memo of parties thereby deleting the name of applicant from array of accused and mentioning the same in list of witnesses.

Let this matter be fixed on **03.10.2020 for further proceedings.**

In the meantime, Ahlmad is directed to get the case file scanned. This order be uploaded by the Reader on the official website.

(AMIT KUMAR)
Special Judge, PC Act, CBI-04,
RADC/ND/14.09.2020