

CNR No. DLCT11-001429-2019
CBI No. 354/2019
CBI Vs. Rakesh Tiwari & Ors.
RC No.ACI-2018-A-0014, CBI AC-I New Delhi
U/s 7 of & 8 of PC Act and 120-B IPC

22.09.2023

Present : Shri Hari Mohan, Ld. Senior Public Prosecutor and
Ms.Shweta Dhingra, Ld. Public Prosecutor for CBI.

A-4 Rabindra Pradhan is absent.

**A-1 Rakesh Tiwari (Through VC) & A-3
Rohit Srivastava in person on bail.**

Sh. Deepak Bhadana, Ld. Counsel for A-1.

Sh. Amit Tiwari, Ld. Counsel for A-3.

Sh. Harsh K. Sharma, Sh. Lakshya Prarasher
and Bhumika Yadav, Ld. Counsel for A-4.

An application seeking exemption from personal appearance is moved on behalf of A-4 Rabindra Pradhan through counsel on the ground that he is unable to appear being posted with 43 BN BSF, at Meghalaya and due to unavoidable official engagement. Heard. Keeping in view the submissions made in application, **A-4 Rabindra Pradhan is exempted from personal appearance only for today.**

An application is already moved on behalf of CBI seeking permission to open the seal packets containing trap money of Rs.15,00,000/- and out of the same, depositing the cash of Rs.14,00,000/- consisting G.C notes of rs.2000/- in the bank account of CBI.

No reply is filed on behalf of A-1 and A-3. Ld. Respective Counsels for A-1 and A-3 submit that they have no objection if the aforesaid application is allowed.

It is, inter alia, stated in the application during the trap proceedings on 07.08.2018, an amount of Rs.15,00,000/- was recovered from the possession of accused Rakesh Tiwari. The denomination of Govt Currency Notes of Rs.14,00,000/- was (Rs. 2000 X 700) and Rs.1,00,000/- (Rs.500 X 200). The said amount of Rs.15,00,000/- has been kept in Malkhana of CBI AC-1, New Delhi. It is further submitted that Reserve Bank of India has issued Circular N. RBI/2023-224/32/DCM (Plg) No. S-236/10.27.00/2023-24 dated 19.05.2023 through which GC notes in the denomination of Re-2000 has been withdrawn and facility to deposit of Re-2000/- Govt Currency notes is available till 30.09.2023. Thus, prayer is made to grant permission to open the sealed packet containing trap money of Rs.15,00,000/- and further grant permission to deposit cash of Rs.14,00,000/- consisting GC notes of Re.2000 denomination in the bank and retaining coloured scanned copy as well as photocopy of the said GC notes for the purposes of exhibiting evidence. It is also prayed that permission to re-seal remaining cash of Rs.1,00,000/- consisting of Rs.200 GC notes of Rs.500 denomination be also granted.

Heard and considered.

Since RBI has withdrawn GC of Re-2000 under 'Clean Note Policy' through aforesaid circular and facility to deposit the same GC notes of Re-2000/- till 30.09.2023 and also keeping in view the fact that there is no objection on behalf of accused persons, the application in hand is allowed.

Accordingly, the CBI is permitted to open the sealed packet containing the trap money of Rs.15,00,000/- and deposit GC notes of Re-2000 amounting to Rs.14,00,000/- (Rs.2000 X 700) in the bank account of CBI, AC-1, New Delhi. The IO is directed to take colour scanned copies/ photographs of Re-2000 amounting to Rs.14,00,000/- (Rs.2000 X 700) and attest the same. IO shall also retain coloured scanned copy of the said GC notes and file the signed copies of the same in a sealed envelop on court record. The IO is further directed to re-seal remaining sum of Rs.1,00,000/- (Rs.500 X 200). The detailed Panchnama in this regard be also prepared and be filed on record.

Arguments heard at length on behalf of A-3 from 10:00 A.M. to 12:30 PM.

Ld. Public Prosecutor for CBI seeks time to advance arguments in rebuttal.

In view of the submission, the matter is adjourned.

Be listed for rebuttal arguments of CBI on **13th October 2023.**

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi
22.09.2023