

CBI V. Abhishek Kumar & Ors.
RC-048 2024 S 0008
CBI No. 89/2024

20.05.2025

Present: Sh. Prashant Kumar and A. K. Kushwaha, Ld. Sr.
PPs for CBI.

Accused Abhishek Gupta (A-1), Accused Deshpal Singh (A-2), Accused Parvinder Singh (A-3), accused Sarabjit Singh (A-4), accused Tajinder Singh (A-5) and accused Harvinder Singh (A-6) are present on bail.

Ms. Sanya Sud and Ms. Hunar Malik, Ld.
Counsels for A-1 and A-2.
Sh. Gaurav Dua and Sh.Daksh Gupta, Ld.
Counsels for A-3, A-4, A-5 and A-6.

Sh. Abhijit Anand, Ms.Niyati Dayma and
Ms. Yatee Solanki, Ld. Counsels on behalf of J.
Dalvin Suresh, father of deceased Nevin Dalvin.

Ms. Vanshita Gupta, Ld. Counsel on behalf of
Rajender Yadav, father of deceased Shreya Yadav.

Ld. Predecessor of this court vide orders dated 28.04.2025 pursuant to receipt of the initial charge sheet which was committed vide committal order dated 22.04.2025 from the court of Ld. ACJM-02 cum ACJ, RADC, New Delhi, listed the same for today for consideration of a supplementary charge sheet as well as the pending applications.

I have considered the entire material placed on record i.e. the initial charge sheet as well as the supplementary charge sheet filed in this case by CBI.

Perusal of record reveals that on conclusion of investigations with respect to case bearing RC-08 (S)/2024 SC1, CBI had filed the initial charge sheet in the court of Ld. CJM, RADC, New Delhi.

Vide order dated 04.12.2024 Ld. ACJM-2 Cum ACJ, RADC, New Delhi had taken cognizance of commission of offence u/s 61 (2) r/w 105 NBS, 2023 and substantive offences thereof against accused Abhishek Gupta, Deshpal Singh, Parvinder Singh, Sarabjit Singh, Harvinder Singh and Tajinder Singh.

Ld. ACJM-2 Cum ACJ, RADC, New Delhi vide orders dated 22.04.2025 had committed the said initial charge sheet to this court as the offences for which the same was filed against the accused persons are triable by the Sessions Court.

Record further reveals that pursuant to orders passed by Hon'ble High Court dated 02.08.2024 in WP (Civil) no. 10550/2024 had held that:

“having regard to the nature of incident in issue as well as to ensure public confidence in investigations and potential involvement of corruption or negligence/inaction by public servants which are in the nature of serious criminal offences under applicable laws and offences, including Prevention of Corruption Act, 1988...”

The investigations were entrusted to CBI who conducted further investigation which was kept open u/s 193 (9) BNSS, 2023 with regard to criminal negligence, dereliction of duties and corrupt practices by the public servants of MCD, DFS Delhi and other concerned departments and other related aspects.

After conclusion of the further investigations the present supplementary charge sheet has also been filed against accused Abhishek Gupta (already accused in the main charge sheet), Arnav Kumar Dutta, Udai Vir Singh, Ved Pal Singh and Ashok Narang.

I have gone through the submissions made by the Ld. Counsels and have also perused the case file more particularly the supplementary charge sheet.

The law is well settled that at the time of taking cognizance of the offence, the court has to consider only the averments made in the charge-sheet and it is not open to sift or appreciate the evidence to come to the conclusion whether or not an offence has been made out.

Cognizance indicates the point when a court takes judicial notice of an offence with a view to initiate proceedings in respect of an offence said to have been committed by someone.

On perusal of the supplementary charge sheet, it is apparent that during the course of further investigations, it has been revealed that for the purposes of running a coaching centre, requisite permissions from MCD as well as 'Fire Safety Certificate' from Delhi Fire Services is required. On the basis of investigations conducted it is apparent that accused Abhishek Gupta, Partner, Rau's, IAS Study Circle, had deployed Shri Ashok Narang, Consultant, Rau's IAS Study Circle, for liaising with the officers of Delhi Fire Service as well as the Municipal Corporation of Delhi, Karol Bagh Zone, in order to obtain the 'Fire Safety Certificate' from the Delhi Fire Service, which was required for running the institute. Investigations conducted by CBI reveals that Abhishek Gupta had directed Ashok Narang that as they urgently needed to have the Fire Safety Certificate, so he should contact the concerned officers of MCD and Delhi Fire Services.

Subsequently, the 'Fire Safety Certificate' was issued by the Delhi Fire Service despite the fact that the basement was being misused by the institute as per the directions of Abhishek Gupta for the purpose of using the same as Library cum Exam Hall. Accused Abhishek Gupta in conspiracy with Ashok Narang obtained the 'Fire Safety Certificate' by getting the matter pursued by him with the officers of Fire department. Also, Abhishek Gupta is the beneficiary of the 'Fire Safety Certificate', as having such a

certificate with him, entitled him to smoothly run the institute for commercial purpose, even though he was not entitled to the same as there was deviation in the basement and misuse of the occupancy as approved by the MCD.

Investigation also revealed that Arnav Kumar Dutta was working as Junior Engineer (Building), MCD, Karol Bagh Zone, during the relevant period. He had initiated the matter related to the Show Cause Notice dated 04.08.2023, issued by the Dy. Commissioner MCD, Karol Bagh Zone on the owners/ occupiers of property at B 11, Bara Bazar Marg, Old Rajinder Nagar, New Delhi. He had inspected/surveyed the concerned building of Rau's IAS Study Circle, on three occasions and had also taken several photographs including that of the basement. He, despite having gone through the documents submitted by the institute including the lease deed for the basement, the completion cum occupancy certificate issued by MCD, the Plan Fee Receipt and the Approved Building plan and having seen the misuse of the basement, did not report the same to his higher authorities in furtherance of the conspiracy with Ashok Narang, Consultant of M/s Rau's IAS Study Circle and recommended for the matter to be forwarded to the Delhi Fire Service.

Investigation thus revealed that Arnav Kumar Dutta, despite knowing the fact that the basement was being used for the purpose of coaching which is a Commercial activity, in conspiracy with the owners and consultant of the institute, deliberately did not report the same to his higher authorities, even after conducting

Survey/inspection of the said premises on three occasions, in order to benefit the occupiers of the building in running the coaching unauthorisedly from the basement and thereby performed his duty improperly in anticipation of undue advantage from the Coaching Centre.

Further investigations carried out in this case by CBI revealed that accused Arnav Kumar Dutta, JE (B), MCD, Karol Bagh Zone, Udai Vir Singh, Assistant Divisional Officer, South West Zone, Fire Station Dwarka Sector-6, Delhi and Vedpal, Divisional Officer, South West Division, Shankar Road Fire Station, New Delhi being public servants in connivance and in furtherance of the criminal conspiracy with accused Abhishek Gupta and Ashok Narang had failed to perform their duties in the manner in which they were supposed to do being public servants in anticipation of undue advantage from the coaching centre being run at 11B, Bada Bazaar Marg, Old Rajinder Nagar.

The investigation conducted revealed that Ved Pal Divisional Officer and Udai Vir Singh, Additional Divisional Officer despite conducting inspection of the premises while processing the issuance of 'Fire Safety Certificate' from Delhi Fire Services and despite having seen and noted misuse of the premises and non compliance of the requisite norms, exit points etc, did not report the same to the higher authorities. Thus as per the investigations carried out by CBI these two officers of Delhi Fire Services being public servants conducted themselves in an improper manner in anticipation of undue advantage from co accused persons in order to

facilitate them for issuance of 'Fire Safety Certificate', which they otherwise were not entitled because of failure to meet the requisite norms.

In view of these facts, there are sufficient material for proceeding against accused (i) Abhishek Gupta, (ii) Arnav Kumar Dutta, (iii) Udai Vir Singh, (iv) Ved Pal and (v) Ashok Narang for commission of the offences punishable under Section 61 of BNS, 2023 read with Section 7 (c) of Prevention of Corruption Act, 1988 (as amended in 2018) and substantive offences thereof against accused Arnav Kumar Dutta, Udai Vir Singh and Ved Pal. Perusal of supplementary charge sheet reveals that sanction for prosecution of public servants has also been obtained by CBI. Therefore, I take cognizance of the said offences against these accused persons as well.

Accused Abhishek Gupta has already been summoned vide order dated 04.12.2024 of Ld. ACJM-2 cum ACJ, RADC, New Delhi. Let the accused persons Arnav Kumar Dutta, Udai Vir Singh, Ved Pal and Ashok Narang be summoned for **07.07.2025**.

On perusal of the earlier charge sheet filed by CBI, it is apparent that name of accused Ashok Narang was mentioned as one of the witnesses in this case. Considering the fact that I have taken cognizance against this accused as well, his name be removed from the list of witnesses and he be summoned for the next date i.e. **07.07.2025** as accused.

IA 13/2025

This is an application filed on behalf of applicant Tajinder Singh seeking desealing of property bearing no. BP-11, Basement, Bazaar Marg, Old Rajinder Nagar, New Delhi.

Reply to this application has already been filed by CBI.

Let the same be also listed for arguments and consideration on **07.07.2025**.

IA 14/2025

This is an application filed on behalf of victim J. Dalvin Suresh for summoning the CBI official monitoring further investigations in compliance of orders dated 27.11.2024 of Hon'ble High Court.

IO is directed to appear in person on 07.07.2025, the date already fixed. Let this IA be also listed on that date.

IA 15/2025

This is application filed by victim J. Dalvin Suresh seeking directions to CBI to file list of CCTV footage seized by IO during investigations.

Let CBI file its reply on date fixed i.e. 07.07.2025 and this application be also listed for consideration on 07.07.2025.

IA 12/2025

Present: Sh. Gaurav Dua, Sh. Daksh Gupta and Sh. Nikhil
Malik, Ld. Counsels for accused Harvinder Singh.

This is an application filed by accused/applicant Harvinder Singh seeking permission to travel abroad.

Notice of this application was given to CBI and reply thereof is also on record.

During the course of arguments on this application, it became apparent that the permission was sought by the accused/applicant from 01.05.2025 till 20.5.2025 i.e. today. Considering the fact that the application has become infructuous, the Ld. counsel for the applicant/accused seeks permission to withdraw the present application with liberty to file afresh.

In view of the submissions made, the present application is dismissed as withdrawn with liberty to file afresh, if any such permission is required.

(Kanwal Jeet Arora)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi/20.05.2025