

CBI Vs. Pradeep Kumar Mishra & Ors.
FIR No. RC 2162021A0003
U/s 120B, 109 IPC
U/s 13(2) r/w 13(1)(e) of PC Act 1988.

29.05.2025

(Present proceedings have been conducted on Hybrid Mode)

Present : Shri Raj Kamal, Ld. PP for CBI alongwith
IO/Inspector K.K. Singh.

Ms. Malvika Awasthi, Ld. Counsel for accused.

Both accused have appeared through VC.

During course of arguments certain queries were put to IO Inspector Shri K.K. Singh, CBI regarding expenses incurred in Column No. 23 i.e. expenses incurred by accused Smt. Preeti Mishra for payment of common area maintenance cum electricity charges to the tune of Rs.2,13,000/- during check period. IO submits that said charges were made by accused persons towards payment of electricity to society and no separate charges were paid for consumption of electricity. He submits that out of said amount of Rs.2,13,000/-, Rs.75,736.92 were towards payment of common area charges and remaining charges were towards electricity charges. It is fairly conceded by IO as well as Ld. PP that in view of circular of CBI No. 21/40/99 – PD (pt) 29.11.2001, electricity and water charges cannot be computed separately when unverified expenditure is computed and taken as 1/3rd of gross salary. In such circumstances, amount of Rs.1,37,236.08 is required to be deducted from the total expenses shown to be incurred by accused persons.

Similarly, expenses incurred by Ms. Preeti Mishra for PNG bill to the tune of Rs.24,611.15 are kitchen expenses. IO and Ld. PP fairly concede that these expenses are also required to

be deducted in view of aforementioned circular which states that if kitchen expenses could be taken at 1/3rd of expenses of gross salary has been taken separately, the accused persons are required to be given benefit of the said amount. Accordingly, the accused persons are given benefit of said amount.

Separate query has been put by this court regarding expenses incurred by accused persons shown in Column No. 32 to 35. As per charge sheet, these were were online expenses incurred by accused persons. On query from IO as to whether he had verified during investigation as to for what purpose these expenses were made by accused persons, he submits that he did not conduct any investigation as to on what item online expenses were incurred by accused persons as shown in Sl. No. 32 to 35. Since, no verification was done by IO during investigation as to for what purpose online expenses were made, these expenses remains unverified and could not have calculated separately. Ld. PP and IO fairly conceded, these expenses are required to be deducted being unverified expenses. The relevant portion in tabular form is follows:

32	Online expenses incurred by Smt. Preeti Mishra from her Bank of Maharashtra A/c No. 60224699483	Preeti Mishra	23.10.2015 to 26.11.2017	Rs.2,11,931.97
33	Online expenses incurred by Shri Pradeep Kumar Mishra & Smt.Preeti Mishra from their SBI A/c No. 32866014783	P.K.Mishra & Preeti Mishra	05.03.2015 to 02.09.2017	Rs. 75,550.09
34	Expenses incurred by Smt. Preeti Mishra towards online and POS (Point of Sales) Transactions from A/c No. 071801000932 of ICICI Bank Ltd. related to her	Preeti Mishra	20.10.2014 & 17.11.2014	Rs. 736.00

35	Expenses incurred by Shri Pradeep Kumar Mishra & Ms. Preeti Mishra towards online and POS (point of Sale) transactions from A/c No.132010100273114 of Axis Bank Ltd. Palam Branch, New Delhi	P.K.Mishra & Preeti Mishra	08.02.2014 to 19.12.2017	Rs.1,53,515.06
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Separate joint statement of Ld. PP and IO, has been recorded in respect of expenses shown at Serial No. 23, 24, 27 & 32 to 35 whereby Ld. PP & IO stated that benefit of same can be given to accused persons.

Answer to all queries put to IO have been answered by IO and Ld. PP. Ld. PP concluded his arguments.

Ld. Counsel for accused persons seeks adjournment for arguments on charge. It has been observed that on each and every date, request has been made for adjournment. Last opportunity is granted to Ld. Counsel for concluding the arguments on NDOH.

Put up on **15.07.2025** for arguments on charge.

(ANKIT SINGLA)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/29.05.2025