

**IN THE COURT OF SH. HASAN ANZAR,
SPECIAL JUDGE, PC ACT (CBI)-03,
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

CBI Vs. Satish Kumar & Anr.

CC No. 56/2022

05.03.2024

Present : Ms. Rohini Anand, Ld. PP for the CBI.
Both the accused on bail.
Shri Sachin Baisla, Ld. Counsel for A-1 Satish Kumar.
Shri Raj Kamal Arya, Ld. Counsel for A-2 Deepak.

1. Case is listed for argument on charge.
2. Ld. PP for the CBI contended that allegations made in the charge sheet, FIR, statement of witnesses and transcript would indicate that there are sufficient material on record to frame the charges against the accused persons.
3. I have perused the record of the case. As per the charge sheet, CBI had registered FIR/RC bearing No. RC-003/2022/A-0050 dated 22.7.2022 *inter-alia* for commission of offences punishable under Section 120-B of IPC r/w Section 7 of Prevention of Corruption Act, 1988 and substantive offences thereof at ACB, CBI, New Delhi against both the above accused on the basis of complaint dated 21.7.2022 made by Shri Tarsem, S/o Shri Sunil Kumar, R/o 492, Pana Ramayan, Tikri Kalan-110041.
4. Complainant Shri Tarsem alleged in his written complaint that he is running a medical store in his village Tikri Kalan, Delhi which has been closed since past 2 months and was engaged in a business of brick kiln with his uncle and opened an office at Rohtak Road, Delhi. He further alleged that on 19.7.2022, H.C. Deepak and H.C. Satish, both from the police station Mundka, Delhi demanded an amount of Rs. 2 lakhs and had threatened him that if the said money is not paid, they would implicate

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him in NDPS Case.

5. Consequent to receipt of complaint, the verification was conducted and during the verification, complainant told the verifying team that the suspect officer would not discuss the bribe amount on telephone call and further verify the allegations made in the complaint, the CBI team went to a make shift shelter point of police personnel in the lane adjacent to Sarvodaya Kanya Vidhyalaya with the complainant carrying the recording device. The complainant went to a dilapidated first floor of the building at Tikri Kalan where Satish enquired about the bribe amount and demanded the same. It is also stated that complainant told the accused that he could arrange only Rs.80,000/- and Rs.20,000/- shall be paid subsequently and the complainant shall pay the bribe amount of Rs.80,000/- at the office situated at the plot of complainant at Firni road of Tikri Kalan. Aftger verification, it was decided to lay a trap for accused persons. Thereafter, on 22.07.2022, FIR was registered under section 7 of Prevention of Corruption Act and trap for both the accused persons was laid and for this purpose DVR alongwith Memory Card was arranged. Complainant also made arrangement of Rs.80,000/- which is to be given to Constable Deepak as per his demand. The government currency notes of Rs.80,000/- were noted down in the presence of the independent witnesses in a separate note sheet and after giving demonstration about the purpose of laying trap and the significance of use of phenolphthalein powder and its reaction with sodium carbonate with water and after completing other formalities, the recording device was put on the complainant and the shadow witness was also arranged to witness the transaction and also to over hear the conversation by giving a pre-decided signal. At the pre-decided place, constable Deepak came, whereas

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complainant alongwith audio recording device reached his office at Firni Road on a scooty. The complainant gave a pre-decided signal and constable Deepak was apprehended and he told that the bribe amount was kept in his right front pocket of his pant. The hand washes of accused Deepak were taken and the necessary samples etc. were preserved, bribe amount was recovered. Apprehended constable Deepak could not give whereabouts of HC Satish Kumar, therefore, CBI team alongwith witnesses and Deepak went to make shift shelter of the police personnel near Sarvodaya Kanya Vidhyalaya where no police personnel was found, however, a Delhi Police uniform and a cap was found which was taken into possession and other articles were also found which indicate that the premises was being used by Delhi Police Personnel. Thereafter, trap team went to the PS Mundka and asked SHO Mundka to ensure the presence of accused Satish and thereafter, the accused Satish was arrested in the present case. Necessary formalities were completed. The samples were sent to FSL for analysis and mobile phones of accused persons were seized and both the accused persons were arrested and after conclusion of the investigation, a charge sheet under section 120B of IPC r/w Section 7 of Prevention of Corruption Act and substantive offence against both the accused persons was filed and subsequently supplementary charge sheet alongwith the order of sanction under section 19 of the Prevention of Corruption Act 1988 in respect of both the accused persons from the competent authority.

6. Ld. Counsels for both the accused persons concedes for framing of charges.

7. In view of the abovementioned discussion and from the perusal of material available on record, an offence under section 7 of

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Prevention of Corruption Act 1988 is made out against both the accused persons. Offence under section 120-B IPC r/w Section 7 of Prevention of Corruption Act 1988 is also made out against both the accused persons.

8. Let charges be framed against both the accused persons. Charges framed against both the accused persons to which they pleaded not guilty and claimed trial.

9. Now to come up on **15.04.2024 and 16.04.2024** for P.E. Let the complainant Shri Tarsem (LW-1) and Shri Deepak Singh (LW-6) and **Shri Praveen Kumar (LW-9)** be summoned for the dates fixed.

10. The following witnesses shall be examined on the following dates and the summons be issued accordingly.

Sl. No.	Date Fixed	Witnesses to be examined
1.	15.04.2024	Shri Tarsem (LW-1) and Shri Deepak Singh (LW-6).
2.	16.04.2024	Shri Praveen Kumar (LW-9).

(Hasan Anzar)

Special Judge (PC Act) CBI-03,
RADDC/New Delhi/05.03.2024