

CBI Vs. Pardeep Kumar Jain
RC no. 00320023A0014
CNR No. DLCT11-000394-2023
PS CBI/ACB/New Delhi

07.10.2023

Present : Sh. V. K. Pathak, Ld. PP for CBI

1. As per the report of the Ahlmad dated 06.10.2023, all the documents and statements in respect of charge sheet have been filed by the IO. I have perused the charge sheet and the documents filed by the IO.

2. Brief facts of the case as per the charge-sheet are as follows :-

Complainant Sh. Anil Khanna, lodged a complaint dated 26.04.2023 with SP, CBI, ACB, New Delhi. It has been alleged that the complainant Sh. Anil Khanna was awarded work of Annual Maintenance Contract of various old and new Type-III Qts and FTA at A.V. Nagar, AIIMS Vide agreement no. 74/B&R/CDI/2021-22 (A/R & M/O Resdl. Campus at A V Nagar (north) and after completion of said work complainant raised 2nd and final bill along with 10C bill (being extra item) for Rs.

10,22,531 (net) on 03.04.2023 which was pending in ESD, AIIMS, New Delhi for payment. It has been further alleged that Sh. Pardeep Kumar Jain, A.E. (Civil), ESD, AIIMS, New Delhi demanding bribe amount of Rs.20,000/- for forwarding the "10C" item (Extra time) of bill dated 03.04.2023 to the office of Executive Engineer C-II, ESD, AIIMS, New Delhi for approval and subsequent entries in measurement book.

17.1 Investigation revealed that on 26.04.2023, Shri Anil Khanna S/o Late Prem Nath Khanna R/o- K-20, Lajpat Nagar-III, New Delhi lodged his complaint in CBI, Anti-Corruption Branch, New Delhi against accused Shri Pradeep Kumar Jain, Assistant Engineer (Civil), Engineering Service Department (ESD), All India Institute of Medical Sciences (AIIMS), New Delhi on the allegation of demanding an illegal gratification of Rs.20,000/- for forwarding the "10C" bill (Extra item) of bill dated 03.04.2023 to the office of Executive Engineer C-II, ESD, AIIMS, New Delhi for approval and subsequent entries

in measurement book.

17.2 Investigation revealed that the verification of the complaint was conducted on 26.04.2023 by Shri Vikrant Tomer, Inspector, CBI, ACB, Delhi in the presence of independent witness Sh. Abhijeet Kumar and the complainant. During verification, the complainant went to office of accused Sh. Pradeep Kumar Jain and discussed about the pending matter. During discussion, the accused demanded Rs.20.000/- for recommending item "10C". The mobile calls and the conversation were recorded in the SD card which corroborated demand by accused. The said SD card containing recorded conversation was sealed and marked as "Q-1 in CO-12/2023" The verification concluded on 26.04.2023 and proceedings were incorporated in "Verification Report in CO-12/2023/CBI/ACB/ NewDelhi."

17.3 On the basis of the aforementioned complaint and the verification, the present case FIR No. RC- DAI-2023-A-0014 dated

27.04.2023 registered u/s 7 of P.C. Act, 1988 (as amended in 2018) in CBI, Anti-Corruption Branch, New Delhi against Shri Pradeep Kumar Jain, Assistant Engineer (Civil), Engineering Service Department, AIIMS, New Delhi and the case was entrusted to Shri Balbeer Singh, Inspector, CBI, ACB, Delhi for investigation.

17.4 During investigation, a trap team comprising of Trap Laying Officer (TLO) Sh. Balbeer Singh, Independent witnesses Sh. Abhijeet Kumar, MTS, ESIC, New Delhi and Sh. Ansh Ojha, Inspector, CGST, Delhi and other CBI officials constituted on 27.04.2023. Pre-trap proceedings were conducted in which significance of phenolphthalein powder and its chemical reaction with solution of sodium carbonate in water was demonstrated. Thereafter, Complainant Shri Anil Khanna produced a sum of INR 20,000/- (Rupees Twenty Thousand) which were treated with phenolphthalein powder. Thereafter, witness was asked to touch the tainted G.C notes and dip the fingers in the freshly

prepared solution of sodium carbonate and water. On doing so, the colour of the solution turned pink. Pink colour solution was thrown away after explaining the significance of reaction. The remaining phenolphthalein powder was also thrown away in the presence of both the witnesses. All present washed their hands with soap and water properly.

17.5 During Pre Trap proceedings Sh. Abhijeet Kumar, independent witness kept the tainted GC notes amounting to Rs.20,000/- in the right side front pocket of the complainant and the complainant was instructed not to touch the tainted bribe amount, and to hand over/deliver the same to Sh. Pardeep Kumar Jain on his specific demand and not otherwise or to some other person on his specific direction. The complainant was asked to give a signal by rubbing both his hands on his head or giving a missed call over the mobile no.8010810666 of TLO, after the transaction is over. Sh. Ansh Ojha (IW-1) was also been instructed to give the same

signal.

17.6 After ensuring the blankness of DVR, a new 16 GB Memory card of Simmtronics make was inserted in the said DVR and the introductory voices of both the independent witnesses were recorded by Sh. Vikrant Tomar, Inspector in this memory card. All the team members, except the complainant, mutually searched each other to ensure that they did not carry incriminating. The above proceedings concluded at around 1510 Hrs on 27.04.2023 which were mentioned in “Pre-Trap Memorandum”. The CBI team including independent witnesses and the complainant left CBI office in three vehicles arranged by CBI, New Delhi and the Baleno vehicle bearing Regn. No.DL3CCW4841 (four wheeler) of the complainant and reached August Kranti Marg near New Entry Gate of Ayur Vigyan Nagar Residential Complex of AllMS, New Delhi.

17.7 The complainant informed that the accused used to meet him in his office lonely

and he will not accept bribe in presence of any other person. Accordingly, it was decided to send the complainant alone in the office room of accused while the shadow witness was directed to observe the complainant from the nearest possible distance outside of the office room of accused. Thereafter, the DVR was put on recording and hold on mode and was kept in the left side shirt pocket worn by the complainant to record the likely conversation between the accused and the complainant. Thereafter the complainant and shadow witness started proceeding towards the office of accused Sh. Pradeep Kumar Jain and the other trap team along with the other independent witness, followed them in disguised manner.

17.8 After reaching at the above said office of accused it was seen that the complainant entered into the office room of the accused while the shadow witness was seen standing in the park area just outside the office of accused. At about 04:40 PM, it was seen that the complainant came out the office

room of accused and he gave pre decided signal by giving a call on the mobile phone of the TLO.

17.9 On that, the TLO immediately alerted all the trap team members including both independent witnesses and all rushed towards the office room of the accused. In the meantime, one person who was later identified as accused Pradeep Kumar Jain also came out of the said room. The DVR was taken back from the complainant by Sh. Umesh Kaushik, Inspector and switched off. Thereafter, TLO after giving his introduction as well as the introduction of other CBI trap team members, challenged the accused for having accepted bribe amount of Rs. 20,000/- from the complainant. On this the accused kept mum and became perplexed. The complainant confirmed that person as accused Pradeep Kumar Jain, whose direction, the complainant put the bribe amount in an envelope offered by the accused and handed over the said envelope to the accused which he kept on his office table-top- glass.

17.10 In the meantime Inspector H.V. Attri and Inspector Sandeep Tiwari caught hold the left and right hands of the accused respectively and he was taken in his office room in the immediate presence of the complainant and independent witnesses where one brown colour envelope was found on office table-top-glass of the accused. The complainant pointed out towards the above said envelope that it was the same envelope in which he put the tainted bribe amount on the direction of accused and handed over the same to him.

17.11 On the direction of TLO, Sh. Ansh Ojha the independent witness recovered the said brown colour envelope containing tainted bribe amount of Rs. 20,000/- from the office table-top-glass of the accused. On the direction of TLO, both witness tallied the GC note numbers from the detail mentioned in the Pre Trap Memo and found the same in Toto. Both the independent witnesses also put their signatures on that portion of the Pre Trap memo in token of

tallying the GC notes.

17.12 Thereafter the said recovered tainted bribe amount of Rs. 20,000/- was kept in a separate brown colour envelope and marked as "TRAP MONEY Rs. 20,000/- in RC-14(A)/2023". The said envelope was sealed by using CBI brass seal and signed by TLO and both the independent witnesses.

17.13 Thereafter colourless solution of Sodium Carbonate and water was prepared in a clean glass tumbler in the presence of both the independent witnesses and wash of the inner side of the brown colour envelope, from which the tainted bribe amount was recovered, was taken by rubbing with a small piece of cloth and the said piece of cloth was dipped in said solution and on doing so the said colorless solution turned into pink.

17.14 The said pink colored solution was transferred into a clean glass bottle along with the said piece of cloth. A paper label

was pasted on the bottle. The said bottle was capped and sealed with CBI brass seal. The said bottle was marked as "Wash of the envelope from which tainted bribe amount of Rs.20,000/- was recovered in RC-14(A)/2023". Both the witnesses and the TLO signed on the paper label as well as the cloth wrapper.

17.15 Thereafter, the above said brown envelope from which tainted bribe amount was recovered, was signed by the TLO and both the independent witnesses and then kept in a separate brown colour envelope which has been marked as "Envelope from which tainted bribe amount of Rs.20,000/- was recovered in RC-14(A)/2023". The said envelope has been signed by both the independent witness and the TLO.

17.16 Thereafter, a colorless solution of Sodium Carbonate and water was prepared in a clean glass tumbler in the presence of both the independent witnesses and wash of the office table-top-glass of accused from where the envelope containing the tainted

bribe amount was recovered, was taken by rubbing with a small piece of cloth and the said piece of cloth was dipped in said solution and on doing so the said colorless solution turned into pink.

17.17 The said pink colored solution was transferred into a clean glass bottle along with the said piece of cloth. A paper label was pasted on the bottle. The said bottle was capped and sealed with CBI brass seal. The said bottle was marked as "Office Table-Top-Glass wash in RC-14(A)/2023". Both the witnesses and the TLO signed on the paper label as well as the cloth wrapper.

17.18 Thereafter, a colourless solution of Sodium Carbonate and water was prepared in a clean glass tumbler in the presence of both the independent witnesses and wash of the left hand of accused was taken by dipping his left hand fingers in said solution and on doing so the said solution remained colourless. The said solution was transferred into a clean glass bottle along with the said piece of cloth. The said bottle

was marked as "LHW" in RC-14(A)/23. Both the witnesses and the TLO signed on the paper label as well as the cloth wrapper.

17.19 Thereafter, another colourless solution of Sodium Carbonate and water was prepared in a clean glass tumbler in the presence of both the independent witnesses and wash of the right hand of accused was taken by dipping his right hand fingers in said solution and on doing so the said solution remained colourless. The said solution was transferred into a clean glass bottle along with the said piece of cloth. The said bottle was marked as RHW in RC-14(A)/23. Both the witnesses and the TLO signed on the paper label as well as the cloth wrapper.

17.20 A Rough Site Plan was prepared showing the position of CBI team members, independent witnesses, complainant and the accused at the time of transaction of bribe.

17.21 A copy of memory card having the recorded conversation between

complainant and accused, during trap proceedings, was prepared with the write blocker and then sealed and marked as "Q-2 in RC-14(A)/2023.

17.22 Accused Shri Predeep Kumar Jain, was arrested vide an Arrest cum Personal search memo at 10:30 PM on 27.04.2023 by observing all legal formalities. The trap proceedings concluded at about 02:45 AM on 28.04.2023.

17.23 The Memory cards containing recorded conversations of verification and trap proceedings have been sent for comparison and seeking expert opinion to the Physics Division, Central Forensic Science Laboratory, New Investigation revealed that Delhi. The expert opinion is still awaited. Investigation revealed that questioned voice Q1 & Q2 contained the voice of accused Pradeep Kumar Jain. In recorded conversations, there is clear demand and acceptance of illegal gratification of Rs. 20,000/- by accused Pradeep Kumar Jain, Assistant Engineer,

AIIMS, New Delhi from the complainant.

17.24 Investigation established that accused has demanded and accepted bribe amount of Rs. 20,000/- from the complainant for forwarding/approving the 10C bill and to make relevant entries in the measurement book, so that final bill of complainant will be prepared and payment released in his favor.

17.25 Washes mentioned in above paras, have been sent to Chemistry Division of Central Forensic Science Laboratory, New Delhi. The expert opinion is still awaited.

17.26 That sanction for prosecution against accused Pradeep Kumar Jain has been accorded by the competent authority Dr. M. Srinivas, Director, AIIMS, New Delhi and the same is enclosed in original.

17.27 That aforesaid act of the accused Sh. Pradeep Kumar Jain constitute the offence punishable U/s 7 of PC Act, 1988 (As amended in 2018).

Alongwith the charge sheet various documents have also been filed.

3. I have heard the submissions made by Ld. Sr. PP for CBI and have carefully perused the record.

4. After perusal of the complaint, the statement(s) of the witnesses and other relevant documents relied upon by the prosecution, I hereby take cognizance of the offence(s) punishable **U/s 7 of PC Act, 1988 (As amended in 2018)** in respect of accused Pardeep Kumar Jain as there are sufficient grounds to proceed against the accused in the present charge sheet.

5. Let, accused Pardeep Kumar be summoned for **21.10.2023**

6. IO is also directed to appear on NDOH alongwith the copy of the charge sheet and relied upon documents for supplying the same to the accused.

Copy of this order be given dasti to the prosecution, as prayed.

(Rakesh Kumar-III)
Special Judge (PC Act) (CBI)-02
Rouse Avenue District Court
New Delhi/07.10.2023