

CNR No. DLCT11-001389-2019
CC No. 341/2019
CBI Vs. Monish Malhotra &Anr.

10.05.2022

Present : Ms. Shweta Dhingra, Ld. PP for CBI alongwith
HIO/SI Pawan.

A-1 Monish Malhotra on bail with Sh. Ajit K. Singh
and Sh. Deepak Bhadana, Advocates.

A-2 Manas Patra on bail with Sh. Ashish Garg,
Advocate.

O R D E R

Today, the matter is fixed for Prosecution Evidence, for providing the extract data of laptop, hard disk and mobile phones to both the accused persons and also for disposal of the application of A-2 seeking release of his mobile phone and laptop.

Three hard drives containing the extract data of laptop, hard disk and mobile phones have been supplied to Ld. Counsels for both the accused persons.

Arguments heard on the application of A-2 seeking release of his mobile phone and laptop make Lenovo seized by the CBI. Ld. Counsel has not pressed the application for mobile phone and stated that since the hard disk and the data has already been extracted from the laptop of A-2, there is no reason for not releasing the laptop.

The application has been opposed by the prosecution on the ground that same is a case property and same was used by the accused during the relevant period of the offence and relied upon article and should not be released as the same will hamper the prosecution case.

Record shows that hard disk has already been examined by CFSL and data has already been extracted from the laptop. The laptop may be the case property but is of no use to the prosecution as the relevant data has already been extracted. I find no reason not to release the laptop and the concern of the prosecution that it will hamper the prosecution case can be addressed by imposing conditions on the accused.

In facts, CBI is directed to release the laptop make Lenovo to the accused Manas Patra, subject to the conditions that the photographs of the laptop showing its particulars, serial number and description shall be retained before releasing the same and the accused shall not dispute the identity of this laptop nor will question its recovery from him nor shall dispose off the laptop without permission of the court and shall produce the same in the court as and when directed. Accused is directed to file undertaking in the court in this regard. The application stands disposed off.

PW-4 Pawan Singh, PW-5 Surender Kumar and PW-6 Kamal Kumar examined, cross-examined and discharged.

LW2 Ravinder Pawar and Sh. Deepak Kumar Tanwar, Scientific Officer be summoned for the next date of hearing.

Put up for Prosecution Evidence on **18.07.2022**.

(AMIT KUMAR)
Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi
10.05.2022