

CBI No. 354/2019(CNR No. DLCT11-001429-2019)
CBI Vs. Rakesh Tiwari & Ors.
RC No.ACI-2018-A-0014,
CBI AC-I New Delhi
U/s 7 of & 8 of PC Act and 120-B IPC

14.10.2025

Present : Sh. Hari Mohan, Ld. Sr. Public Prosecutor for CBI.
ASP/HIO Kailash Sahu.

**Proceedings qua A-1 Rakesh Tiwari stands abated
vide order dated 19.02.2025 consequent to his
demise.**

A-4 Rabindra Pradhan is absent.

A-3 Rohit Srivastava on bail with Ld. Counsel
Shri Naveen Kumar & Sh. Abhishek Mahal,
Advocates.

Sh. Lakshay Parasher, Ld. Counsel for A-4.

MHC(M) HC D.S Rawat with case property.

PW-19 Suraj Majumdar and LW Neeraj Raja
Kochhar were summoned for today.

An application seeking exemption from personal appearance is moved on behalf of A-4 Rabindra Pradhan through Proxy Counsel stating that he is unable to attend the court as he is posted in Tripura which is far away place from Delhi. In view of the submission, **A-4 is exempted from personal appearance only for today.**

At this stage, the report is filed in compliance of previous order by the S.P concerned. Copy supplied.

Heard and considered.

It is informed that the investigation was carried with respect to the issues highlighted in the previous order concerning one Sanjay Malhotra who is referred in seized slip-pad as Sanjay @ Mottu. It is further pleaded that the said Sanjay Malhotra was

running a company in the name and style of M/s Gora Shiv Forex Pvt Ltd and was dealing in foreign currency exchange business. However, his examination and investigation of mobile phone did not reveal anything qua his role in the criminal conspiracy.

It is further pleaded that accused Rakesh Tiwari was also interrogated with respect to the said part of the allegations and his dealings with Sanjay Malhotra, but he did not co-operate in the investigation and failed to disclose anything about the cash entries in the slip-pad recovered from accused Rakesh Tiwari. It is further pleaded that as far as the order dated 08.12.2023 is concerned, they have preferred the revision petition before the Hon'ble High Court praying for expunging of observation by this Court made in Paragraph-23. It is submitted by Ld. Sr. PP for CBI that there is no stay order in the said revision petition.

The interrogation report of Sanjay Malhotra as well as his brother Rakesh Malhotra is perused. The statement of Sanjay Malhotra prima-facie reflects that he was simply examined and interrogated with respect to his business of foreign exchange and as to how he came in contact with main accused Rakesh Tiwari (since deceased). He was never questioned qua the cash entries in Slip-Pad.

It is admitted by the I.O that apart from the said statement, no other statement of Sanjay Malhotra was recorded. He further claims that nothing surfaced in the investigation with respect to his involvement in the present case of criminal conspiracy and bribing of public servants.

The issue is not the involvement of Sanjay Malhotra. Rather, the issue highlighted by the previous order concerns the huge cash transactions in delivery of cash to said person by main accused Rakesh Tiwari (since deceased) and its connection with allegations of Rakesh Tiwari being the collection agent for the

officers. The scope of the investigation concerned the involvement of accused Rakesh Tiwari as well as his claim in the recorded calls that he was managing various activities of CBI officials. No explanation is furnished in the entire report as to the purpose behind delivery of huge cash on various occasions to said Sanjay @ Mottu as referred in Neelgagan slip-pad Ex.PW20/1 (collectively).

The case diary also reflects that the mobile phone of said Sanjay Malhotra was seized on 13.08.2018 and it is informed by I.O that the said mobile phone was sent for data extraction. It is stated by him that no query was sent to CFSL for retrieval of deleted data, if any. It is further pleaded that the extracted data was received by them and is lying with them. It, thus, reflects that there seems to be no comprehensive investigation with respect to the said dubious cash transaction of main accused Rakesh Tiwari (since deceased) and for what purpose the said money in cash transferred to Sanjay Malhotra @ Mottu, despite it being instinctively linked to the allegations in hand.

The record also reflects that the search was carried out at the residence and office premises of main accused Rakesh Tiwari (since deceased) which resulted in seizure of various incriminating documents vide D-42 and D-45. The search list D-45 reflects that huge plethora of documents were seized and very few of the said documents are part of Relied Upon Documents. Another surprising feature of the said seized documents as mentioned in Annexure D-45 is the seizure of several official documents pertaining to CBI. Thus, the explanation needs to be furnished as to how the said main accused Rakesh Tiwari (since deceased) who was a private person got hold/access of said official documents. **The chart of the said documents reflecting the nature of the document, its connection with the CBI and the investigation qua the said document needs to be filed. Accordingly, the report be filed by the S.P concerned with**

respect to the issue highlighted above detailing investigation conducted qua transfer of huge cash amount to Sanjay Malhotra by main accused Rakesh Tiwari (since deceased) and the connection of the said cash amount with the criminal conspiracy in hand. CBI to also produce data retrieved from the mobile phone of the said Sanjay Malhotra @ Mottu.

A copy of this order be given dasti to the I.O.

Today, PW-21 Neeraj Raja Kochhar is partly examined-in- chief. His further examination is deferred at request of the witness as he is not feeling well.

PW-19 Suraj Majumdar is discharged unexamined at request of Ld. Counsel for A-4 as the main counsel is not well today.

Issue fresh summons to PW-19 Suraj Majumdar and PW-21 Neeraj Raja Kochhar for next date of hearing.

At request of Ld. Sr. PP, Assistant Programmer, System Division, CBI, be also summoned for playing the recordings on the next date.

Be listed for PE/ filing of the report on 14th November 2025 and 17th November,2025.

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
Rouse Avenue District Courts,
New Delhi: 14.10.2025