IN THE COURT OF SH. SHIVAJI ANAND, ADDITIONAL SESSIONS JUDGE-04 (NORTH), ROHINI COURTS, DELHI

CNR no. DLNT01-011784-2016
Session Case No. 59318/2016
FIR No.55/2016
PS-Crime Branch
State Vs. Manoj @ Morkheri & Ors.
U/s-3(1),4, 5 MCOC Act

09/03/2022

Present :Sh. Sanjay Jindal, ld. Addl. PP for the State.
:**Accused Manoj Morkheri (A-1) has been produced**
:from J.C. from Mandoli Jail.
:Accused Arun @ Kala (A-2) has not been produced from Panipat
:Jail.
:Accused Sumit @ Sam (A-3) and Parvesh Grewal (A-10)
:are present on bail.
:**Accused Jitender Dixit @ Bantu (A-4) has been produced**
:from Central Jail Tihar, Delhi through VC.
:**Accused Anil @ Ganja (A-9) has been produced from J.C**
:through VC.
:Accused Ishwar Pandit (A-5) has not been produced from J.C.
:through VC from Rohtak Jail.
:Accused Rohit @ Rahul (A-7) has not been produced from JC
:through VC.
:Accused Jagdeep @ Sonu (A-11) has been produced from
:Central Jail Tihar through VC.
:Accused Dheerpal @ Deepak @ Kana (A-6) & Naresh Kumar @
:Pahelwan (A-8) have not been produced from J.C.
:Sh. Naresh Kaushik, ld. counsel for accused Jitender @ Bantu.
:Sh. Rahul Lather, ld. counsel for accused Rohit, Naresh and
:Jagdeep.
:Sh. Pranav Mehta, ld. counsel for Manoj Morkheri, Arun Kala,
:Sumit @ Sam and Pravesh Grewal.

ORDER ON CHARGE

1. The case of prosecution is that on 13/04/2016, ACP Jitender Singh, Special Team, Crime Branch, Delhi, had made a proposal/request for grant of approval to invoke the provisions of MCOC Act 1999, in the light of Section 23 (1) (A) of the Act, against accused Manoj @ Morkheri (A-1), Anil @ Ganja {A-9 (since P.O.) and their associates, alleging therein that in the year 2011, in outer district and adjoining areas several cases were reported in which the gang of Manoj @ Morkheri and his associates including Anil @ Ganja (A-9) were actively involved in committing various offences viz. Murder, kidnapping for ransom, extortion etc., where violence, intimidation and other unlawful means were used with the sole objective of gaining pecuniary benefits or undue economic or other advantages. It was further alleged that this gang comprising of other associates operates in a well organized manner after forming a syndicate and the members of the syndicate act either singly or jointly as members of organized crime syndicate on behalf of such syndicate. It was further alleged therein that accused Manoj @ Vicky @ Morkheri (A-1) S/o Nahar Singh, R/o Village Morkheri, PS Sampla, District-Rohtak, Haryana, also at Village Nahri, Rohtak, Haryana, and also R/o H.No. 581/29, Tilak Nagar,Rohtak, Haryana and Anil @ Ganja {A-9 (since P.O.)} S/o Rajender Singh, R/o Village Nuna Majra, Distt. Jhajjar, Haryana, are very desperate and dangerous criminals and were found to be involved in various heinous cases including murder & kidnapping for ransom and that they play on the principle of fear psychosis and set an example by killing somebody to create maximum pressure on those who receive ransom calls. Further that they both control the gang members by directing various operations of kidnapping for ransom,

extortion and killing and have made their presence felt in Delhi and Haryana, which is evident from various cases registered against them under Sections 364A, 302, 384 IPC etc.

1.1. It was further alleged in the said request that during their operation for wrongful gains since 2003, accused Manoj @ Morkheri (A-1) was operating his gang along with his other associates Anil @ Ganja {A-9 (since P.O.)}, Ishwar @ Pandit @ Ravi @ Vikas (A-5) S/o Ram Gopal Sharma, Dheerpal @ Kana (A-6) S/o Jai Singh, who later on joined him (Manoj @ Morkheri) and several other desperate and notorious gang members and that accused Manoj @ Morkheri (A-1) was instrumental in providing guidance and direction to his gang members. It was further alleged that in March, 2011, vide FIR no. 47/2011 dated 05/03/2011, u/s 364A IPC, PS South Campus, New Delhi, accused Manoj @ Morkhedi, Arun, Anil @ Ganja, Jitender Dixit @ Bantu, Parvesh Grewal ,Sandeep Chhikara (since expired), Sumit @ Sam & Rajesh Bharti (since expired) had committed sensational kidnapping and took a ransom of 35 lakhs within hours of kidnapping. It was further alleged that in March, 2011,vide FIR no. 86/2011 dated 12/03/2011, u/s 364/34 IPC, PS City Bahadurgarh, Haryana, accused Manoj @ Morkhedi,Anil @ Ganja, Sumit @ Sam, Dhirpal @ Bagdi etc. again did a kidnapping and took ransom of Rs 20 lakh. In November, 2011, FIR no. 497/11 dated 11/11/2011, u/s 364A/120B IPC, PS Prashant Vihar,Delhi, was registered as accused Manoj @ Morkhedi, Anil @ Ganja, Dhirpal @ Bagdi, Rohit @ Rahul, Naresh, Ishwar @ Pandit & Jagdeep @ Sonu had also committed kidnapping, demanded Rs. 5 crore and took Rs. 1.1 crore rupees as ransom amount and that initially four members of the gang namely Ishwar Dutt @ Ravi @ Pandit @ Vikas @ Suresh (A-5), Jagdeep @ Sonu (A-11), Naresh Kumar (A-8) & Rohit @ Rahul (A-7) were arrested in that case and subsequently accused Manoj @ Morkheri (A-1), Anil @ Ganja (A-9) and Dheerpal (A-6) were also arrested. Further, in January 2013, vide FIR no. 81/13 dated 30/01/2013, u/s 449/302/120B/216/34 IPC & u/s 25 Arms Act, PS City Rohtak, Haryana, accused Manoj @ Morkheri (A-1),Anil @ Leela @ Ganja (A-9 (since P.O.) and their associates brutally murdered one retired Inspector. It was also alleged in the said request that accused Manoj @ Morkheri, Anil @ Ganja,Dheerpal @ Kana, Ishwar @ Pandit @ Ravi and other members of the crime syndicate of Manoj @ Morkheri are lodged in different jails, their gang is operating from inside the jail and even recruiting new members in the gang to extort money from targeted persons in Delhi and NCR.

2. While referring to sections 2 (d), (e) and (f) of MCOC Act, along with the aforesaid request, the list of 24 cases in which the accused Manoj @ Morkheri and his gang was involved, was also annexed, wherein charge-sheet have already been filed. The details of such cases are as under:-

S. No.	FIR No.	Date	Section	Police Station	Date of cognizance
1.	72/2003	03/03/2003	224/225/253/286/307/332 IPC	Meham, District Rohtak (Haryana)	
2.	59/2003	23/03/2003	392/395/34 IPC	Shahajahanpur, UP	
3.	112/2003	07/04/2003	302/307/148/149/120B IPC	Hisar Civil Lines, Haryana	
4.	67/2003	20/04/2003	302/307/148/149/120B IPC	Barwala, District Hisar, Haryana	
5.	184/2003	27/05/2003	25/54/59 Arms Act	Moti Nagar, Delhi	

6.	183/2003	27/05/2003	353/186/307 IPC	Moti Nagar, Delhi.	
7.	404/2003	17/08/2003	142/224/225/332/353/307/34 IPC & 3 P.P. Act	Behror, Rajasthan	
8.	806/2003	24/12/2003	395/440/34 IPC	Gurgaon City, Haryana	
9.	43/2004	2004	452/307/323/120B IPC	Kanwas, Distt. Kota, Rajasthan	
10.	220/2004	26/03/2004	186/353/307/34 IPC & 25/27 Arms Act	Vasant Kunj (North) Delhi.	
11.	574/2007	2007	323/307/506 IPC	Hisar Civil Lines, Haryana	
12.	334/2008	06/10/2008	379/34 IPC	Model Town, Delhi.	
13.	DD no. 15/2009	09/07/2009	41.1 (D) CrP.C.	Crime Branch, Delhi.	
14.	408/10	10.10.10	387/365/364A IPC & 25/27 Arms Act	Nauned, Hisar, Haryana	
15.	510/2010	28/12/2010	302 IPC	Narela, Delhi.	21/12/2011
16.	12/2010	2010	395 IPC & 25 Arms Act	Mangliwas, Rajasthan	16/04/2012
17.	16/2011	17/02/2011	387/506 IPC	Rohtak City, Haryana	
18.	47/2011	05/03/2011	364-A IPC	South Campus, Delhi.	
19.	86/2011	12/03/2011	364/34 IPC	City Bahadurgarh, Haryana	04/04/2015
20.	116/11		387/506/419/420/120B IPC	City Rohtak, Haryana	12/11/2013
21.	497/2011	11/11/2011	364A IPC	Prashant Vihar, Delhi.	07/12/2012 & 18/02/2015
22.	158/12	22/05/2012	386/506/34 IPC	Kundli District Sonipat, Haryana	13/08/2013
23.	81/13	30.01.2013	302/34/120B IPC & 25/27 Arms Act	City Rohtak, Haryana	03/07/2015
24.	135/2013	20/03/2013	186/353/307/34 IPC & 25/54/59 Arms Act	Alipur, Delhi.	20/06/2013

3. It was further mentioned that while committing the offences mentioned in the list, the aforesaid accused persons remained involved by forming a group of more than one person and that in last preceding 10 years, the court of competent jurisdiction had already taken the cognizance in more than one charge-sheet. The details of 8 cases out of aforesaid 24 cases pertaining to last 10 years in which certified copies of documents from the Courts concerned were collected, was also filed with the said request, which are as under:-

S.No.	FIR No.	Date	Section	Police Station	Documents	Details of arrested persons
1.	334/08	06/10/2008	392/397/411/34 IPC	Model Town, Delhi.	Certified copy of charge sheet, disclosure, arrest memos, charge, cognizance, judgment	1. Manoj Kumar @ Vikky @ Morkhedi s/o Nahar Singh R./o Vill. Morkhedi, Distt. Rohtak, Haryana. 2. Nar Singh @ Bhagat s/o Hoshiyar Singh R/o Vill. Chuliyana, Dist. Rohtak.
2.	510/10	28/12/2010	302/34 IPC & 25/27 A. Act	Narela, Delhi.	Certified copy of charge-sheet, cognizance, charge, disclosure & arrest memo	1. Manoj Kumar @ Vikky @ Morkhedi Morkherdi s/o Nahar Singh R./o Vill. Morkhedi, Distt. Rohtak, Haryana. 2. Naveen S.i Bijender R/o 1155/B, Pana Paposiya, Narela, Delhi (now expired, killed in Rohini Court while in custody) 3. Ajender @ Monu s/o Rajender @ Raje, R/o H.No. 230, Pana Paposiya, Narela, Delhi.
3.	408/10	15/10/2010	323/506/364A/325 IPC & 25 A. Act	Narnaud (Hissar) Haryana	Charge, certified copy of judgment, disclosure	Manoj Kumar @ Vikky @ Morkhedi s/o Nahar Singh R./o Vill. Morkhedi, Distt. Rohtak, Haryana. 2. Jitender s/o Balbir R/o Vill. Madan Hedi, Present Add-Shyam Colony, Rohtak, HR.
4.	497/11	11.11.11	364A/120B IPC	Prashant Vihar	Certified copy of charge-sheet, disclosure, charge, cognizance	Manoj Kumar @ Vikky @ Morkherdi s/o Nahar Singh R./o Vill. Morkhedi, Distt. Rohtak, Haryana. 2. Ishwar Dutt @ Ravi @ Pandit @ Vikas @ Suresh s/o Ram Gopal Sharma, R./o H.No. 33, Sugar Mill Colony, Rohtak, HR 3. Jagdeep @ Sonu s/o Ajit Singh r/o VPO

						Narnaud, Hissar, Haryana 4. Naresh Kumar s/o Jile Singh, R/o Village Moth, PS Narnaud, Hissar Harayana. 5. Rohit @ Rahul s/o Ram Niwas, R/o Village Noonamajra, PS Sadar Bahadurgarh, District Jhajjar, Haryana. 6. Anil @ Ganja s/o Rajender Singh, r/o Village Noonamajra, PS Sadar Bahadurgarh, District Jhajjar, Haryana 7. Dheerpal @ Kana s/o Jai Singh, R/o Village Reduwas, Jhajjar, Haryana, present Add:- RZ-33, Chauhan Enclave, Najafgarh, Delhi.
5.	86/11	12.03.2011	364A/392/216/120B IPC & 25 A. Act	City Bahadurgarh, Haryana.	Copy of charge, arrest memo, disclosure	Manoj Kumar @ Vikky @ Morkherdi s/o Nahar Singh R./o Vill. Morkhedi, Distt. Rohtak, Haryana. 2. Sunil @ Lala s/o Rajender R/o Vill. Nuna Majra, Distt. Jhajjar, HR 3. Sonu @ Machar s/o Gautam r/o Najafgarh, Delhi. 4. Jai Bhagwan s/o Ranbir r/o Nangal Devat, Delhi. 5. Joginder @ Sonu @ Dhodu s/o Ranbir Singh r/o Najafgarh, Delhi. 6. Pradeep @ Bablu s/o Ramesh Chand, R./o Nangal, Delhi. 7. Jyoti Prakash @ Baba s/o Suraj Bhan r/o Sarohi Bhali, PS Nangal Chaudhary, Distt. Mahendergarh, HR. 8. Sumit @ Sam s/o Devender r/o Vill. Nahri, Distt. Sonepat, HR. 9. Gautam s/o Amar Singh r/o Kakra Bardod,

						Rajasthan. 10. Sandeep s/o Diwan Singh r/o Vill Noona Majra, Distt. Jhajjar, HR. 11. Manoj s/o Jai Kishan r/o Najafgarh, Delhi. 12. Dhirpal s/o Satyanarayan R/o Keri Jat, Jhajjar, HR, at present Najafgarh, Delhi. 13. Dhirpal s/o Jai Singh r/o Vill Reduwas, Jhajjar, Haryana, at present Najafgarh, Delhi. 14. Aneel @ Leela @ Ganja s/o Rajender r/o Vill Nuna Majra, Distt. Jhajjar, HR.
6.	158/12	22/05/12	386/506 IPC	Kundli, Sonipat, Haryana	Certified copy of cognizance, charge, disclosure, arrest memos, judgment	Manoj Kumar @ Vikky @ Morkherdi s/o Nahar Singh R./o Vill. Morkhedi, Distt. Rohtak, Haryana.
7.	81/13	30.01.13	449/302/120B/216/34 IPC & 25 A. Act.	City Rohtak,Haryana	Certified copies of charge, arrest memos, copy of cognizance, commitment order, disclosure	1. Manoj Kumar @ Vikky @ Morkherdi s/o Nahar Singh R./o Vill. Morkhedi, Distt. Rohtak, Haryana. 2. Nahar Singh s/ o Hukam Singh r/o vill Morkhedi, Distt. Rohtak, HR. 3. Ashok s/o Nahar Singh r/o Vill. Morkhedi, Distt. Rohtak, HR. 4. Vikash @ Monu s/o Naresh Kumar r/o Vill. Morkhedi, Distt. Rohtak, HR, now Kabir Colony, HR 5. Dharmender s/o Manbeer, R/o vill Nahri, Distt. Sonepat, HR 6. Kuldeep s/o Satbir R/o Vill-Nahri, Distt. Sonepat, HR. 7. Sudhir s/o Satbir r/o Vill Nahri, Distt. Sonepat, HR. 8. Rahul s/o Dharambir r/o Vill Nahri, Distt.

						Sonepat, HR. 9.Sahdev s/o Attar Singh r/o vill. Nahri, Distt. Sonepat, HR. 10. Anil @ Leela @ Ganja s/o Rajender Singh r/o vill.Nuna Majra, Distt. Jhajjar, HR. 11. Mahesh @ Sunny s/o Satya Narain r/o vill. Rewadi Kheda, PS Bahadurgarh, Distt. Jhajjar HR, at present Street No. 7, H.No. 675, Gopal Nagar, Najafgarh, Delhi. 12. Amar Singh @ Bholu s/o Azad Singh r/o Nidana, distt. Jind, HR, at present Vill. Ladravan, Distt. Jhajjar, HR.
8.	135/13	20.03.13	186/353/307/34 IPC & 25/27 A. Act	Alipur, Delhi.	Certified copies of charge-sheet, disclosure, arrest memos, order of cognizance	1. Manoj Kumar @ Vikky @ Morkherdi s/o Nahar Singh R./o Vill. Morkhedi, Distt. Rohtak, Haryana. 2. Vivek @ Vikky s/o Arvind r/o Vill. Ladravan, Distt. Jhajjar, HR. 3. Parveen s/o Suresh, r/o H.No. 179, Indraj Colony, Bawana, Delhi. 4. Parveen @ Rinku s/o Raj Singh, r/o vill Nahri, Distt. Sonepat, HR.

4. The concerned Joint C.P. has discussed FIR no. 497/11, PS Prashant Vihar, FIR no. 47/11, PS South Campus, Delhi, FIR no. 81/13, PS City Rohtak & FIR no.86/11, PS City Bahadurgarh while granting approval u/s 23(1) (a) of MCOCA, whereas while granting sanction u/s 23(2) of MCOCA, the Joint CP has discussed FIR no. 497/11, PS Prashant Vihar, 47/11, PS South Campus. But request of the ACP before the Joint C.P. is silent whether he had

attached all the charge-sheets with the request for approval/sanction.

5. It is further mentioned in the said request that the aforesaid syndicate had accumulated huge illegal wealth, both in the form of movable and immovable properties and that large number of properties were acquired by this syndicate in *Benami* names and some in the name of their known and to discover these properties, an in depth investigation is required.

6. In view of the aforesaid, the ACP concerned had requested that since provisions of Section 3 & 4 of Maharashtra Control of Organized Crime Act 1999 were attracted, therefore action be taken against accused Manoj @ Morkheri, Anil @ Ganja, Ishwar @ Kala @ Ravi @ Pandit, Dheerpal @ Kala as per the Act. The ACP concerned had further requested that the papers may please be submitted to Joint Commissioner of Police, Crime for soliciting his approval to register a separate case against Manoj @ Morkheri, Anil @ Ganja, Ishwar @ Kala @ Ravi @ Pandit, Dheerpal @ Kana, Arun @ Kala @ Lambu, Sumit @ Sam, Jagdeep @ Sonu, Naresh Kumar, Jitender Dixit @ Bantu, Parvesh Grewal, Rajesh Bharti, Sandeep Chikkara, Rohit @ Rahul and their associates under the provisions of Section 3 & 4 of MCOC Act, 1999.

7. On the basis of aforesaid proposal/request, Sh. Ravindra Yadav, the then Joint Commissioner of Police, Crime, Delhi, had accorded approval u/s 23 (1) (a) of The Maharashtra Control of Organized Crime Act against the aforesaid 12 accused persons vide order No. 413/SO-DCP/Crime (N) dated 18/04/2016. After approval, ACP Jitender Singh (Crime) made endorsement

on rukka and got registered the present case FIR u/s 3 & 4 of MCOC Act, PS Crime Branch, Delhi. After registration of FIR, further investigation of the case was entrusted to ACP Kailash Chand, NR, Crime. However as per directions of senior officers, case file was received back by ACP Jitender Singh on 21/04/2016 for further investigation.

8. During course of investigation, accused Manoj @ Vicky @ Morkheri (A-1) and Anil @ Ganja {A-9 (since P.O.) were found to be in J.C. in number of cases. Their production warrants were issued for 25/04/2016 & on production, after taking permission from the designated Court, they both were interrogated and were formally arrested in the present case. Their PC remand was obtained till 02.05.2016 which was got extended till 05/05/2016. The confessional statements of both these accused persons as per provision of Section 18 (1) of MCOC Act were recorded by Rajeev Sharma, DCP (Crime)/North on 05/05/2016. On the same day, confessional statements in sealed cover and both these accused were produced before the concerned Court of ld. CMM, Rohini Courts, Delhi, in compliance of Section 18 (4) (5) & (6) of MCOC Act and proceedings were recorded by the ld. CMM as per procedure.

9. On 04/05/2016, one Manoj Mann was examined and his statement u/s 161 Cr.P.C. was recorded alleging therein that accused Manoj @ Morkheri (A-1) had intervened in their ancestral property dispute and proposed to get the matter settled for Rs. 12 lakhs and forcefully took Rs. 6 lakhs in cash for the same. After settlement, accused Manoj @ Morkheri got transferred one

third share in the name of one Rakesh under threat with direction to later on transfer the same in the name of his brother Ashok. On same day, one Rakesh Kumar whose statement u/s 161 Cr.P.C. was recorded on 03/05/2016, was produced before the concerned Court of ld. MM and his statement u/s 164 Cr.P.C. was recorded, wherein he alleged that Ashok, brother of accused Manoj, had telephoned him many times for getting the property situated at Alipur in their name transferred. During investigation, certified copies of aforesaid sale deeds were collected in order to show the involvement of accused Manoj @ Morkheri.

10. On 02/05/2016, production warrants of accused Ishwar @ Pandit (A-5) and Dheerpal @ Bagadi (A-6) were obtained for 09/05/2016 as they both were in J.C. On 09/05/2016, on their production and after taking permission, they both were interrogated and formally arrested in this case. Their PC remands were obtained. Their disclosure statements were recorded. On 13/05/2016, production warrants of accused Sumit @ Sam (A-3) and Jitender Dixit @ Bantu (A-4) were obtained for 17/05/2016 and they were also interrogated and formally arrested in the present case. Their disclosure statements were recorded. On 02/06/2016, accused Arun @ Kala (A-2) was produced in the Court on production warrants and was arrested in the present case. His police custody remand was obtained till 04/06/2016 and he made disclosure statement.

11. Accused Jagdeep @ Sonu (A-11), Naresh Kumar (A-8), Parvesh Grewal (A-10), Sandeep Chhikara {A-13-(since expired)} and Rohit @ Rahul

(A-7) who were on bail in their concerning cases, were found absconding. Hence NBWs against them were obtained on 18/06/2016 for 11/07/2016. On 29/07/2016, process u/s 82 Cr.P.C. was obtained against all these accused for 12/09/2016. On 18/08/2016, accused Pravesh Grewal (A-10) was arrested u/s 41 (a) Cr.P.C. by SI Dinesh Kumar of PS Crime Branch, Northern Range and was produced before the concerned designated court and after taking permission, he was interrogated and arrested in the present case. His five day PC remand was obtained and on 23/08/2016 his statement u/s 18 of MCOC Act was recorded by Rajan Bhagat, DCP/CRO & Crime and was filed in the court of ld. CMM/Rohini Courts, Delhi in a sealed envelope on the same day.

12. On 24/08/2016, accused Rohit @ Rahul (A-7) was produced before the concerned designated Court by Haryana Police from Jhajjar Jail on production warrants and he was interrogated and arrested in the present case. His 5 days PC remand was obtained. The said accused disclosed that one Fortuner vehicle was purchased by one Sunil @ Lala (brother of accused Anil @ Ganja, a member of their crime syndicate) in the name of some other person by making payment from booty ransom and extortion amount which was used for ferrying absconding members of the crime syndicate from one place to another. Pursuant to his disclosure statement, on 25/08/2016, at the instance of accused Rohit @ Rahul (A-7) one Toyota Fortuner bearing registration no. DL-8CAK-9559 was recovered from the residential premises of accused Anil @ Ganja (A-9 (since P.O.) at Village Nuna Majara, Haryana, which was seized by preparing a memo. On 26/08/2016, Pramod Kumar (registered owner of said Fortuner) was examined and his statement u/s 164 Cr.P.C. was got recorded,

wherein he stated that he along with Naresh, Naveen, Pradeep @ Bablu had opened a travel agency in October 2014 and on the asking of Pradeep as Pradeep told that Sunil @ Lala was not able to get loan in his name, he had purchased aforesaid Fortuner vehicle on installments and handed over to Sunil @ Lala (son of maternal aunt of Pradeep), down payment of which was made by Sunil @ Lala and who was also paying the installments and that since he came to know that Anil @ Ganja (brother of Sunil) was in jail and they were not right people, he stopped visiting them and ended his partnership with them. He further stated that he was not having any concern with the aforesaid vehicle and that said vehicle used to remain with Sunil @ Lala. On 29.08.2016, statement of accused Rohit @ Rahul u/s 18 (1) MCOC Act was recorded by Sh. Rajan Bhagat, DCP CRO & Crime and was filed in the Court of ld. CMM, Rohini Courts, Delhi, in a sealed envelope.

13. On 18/09/2017, accused Jagdeep @ Sonu was declared proclaimed offender by the Court of Sh. Praveen Kumar, Special Judge, NDPS, Rohini Courts, Delhi.

14. The Joint Commissioner of Police, Crime, Delhi has also accorded sanction u/s 23 (2) of MCOCA (as extended to NCT of Delhi) for taking cognizance and prosecuting accused Manoj @ Vicky @ Morkheri, Anil @ Ganja @ Leela @ Pehlwan, Dheerpal @ Deepak, Sumit @ Sam, Jitender Dixit @ Bantu, Ishwar @ Pandit @ Ravi @ Vikas, Arun @ Kala @ Lambu, Rajesh Bharti, Sandeep Chikara, Pravesh Grewal, Jagdeep @ Sonu, Naresh Kumar and Rohit @ Rahul for their respective offences u/s 3 (1), 3 (4) & 3 (5)

of MCOC Act, 1999 (as extended to NCT of Delhi) by the Special Court, Rohini Courts, New Delhi, constituted for trying such offences under Maharashtra Control of Organized Crime, Act, 1999 (as extended to NCT of Delhi).

15. During further investigation, statements of concerning witnesses including IOs & complainants/victims of cases in which Kingpin Manoj Morkheri either single handedly or jointly arrested during the last 10 years were also recorded. The certified copies of the charge-sheets and orders relating to cognizance taken by the concerned court were obtained by the IO and were attached with the charge-sheet. One involvement chart qua crime syndicate of 37 cases is part of the charge-sheet.

16. The details with regards to robbed/extorted amounts, illegal weapon used and recoveries thereof concerning the organized crime syndicate cases pertaining to last 10 years in which accused Manoj @ Morkheri (A-1) was either involved singly or jointly involved with co-accused persons are as follows:-

S. No.	FIR No.	Sections	Police Station	Articles robbed	Accused Arrested	Recoveries/remarks
1	574/2007	323/307/506 IPC	Hisar, Civil Lines, Haryana	–	1. Manoj @ Morkheri 2. Devender 3. Jitender 4. Narender	It is case of quarrel between rivalry gang in jail van.
2.	334/2008	379/34 IPC	Model Town, Delhi.	Car no. DL-9CQS-5207	1. Manoj Kumar @ Vikky @ Morkheri 2. Nar Singh @ Bhagat	Recovered from Manoj @ Morkheri, Vide DD no. 15, Dated 09/07/2009, u/s 41-1D Cr.P.C., SIT, Crime Branch, Delhi.
3.	408/10	387/365/364 A IPC & u/s	Narnaud, Hissar,	Abducted one Satbir at gun point from the area	1. Manoj @ Morkheri 2. Jitender	Recovery of Rs. One lakh from the

		25/27 Arms Act	Haryana	of PS Narnaud Distt. Hisar and demanded Rs. 50 lakhs as ransom amount. It was only after ransom money of Rs. 10 lakhs received, the victim was released.		house of accused Jitender, co-accused of accused Manoj @ Morkhedi, who has been convicted in this case, whereas accused Manoj @ Morkhedi acquitted as complainant turned hostile and did not identify him.
4.	510/2010	302 IPC	Narela, Delhi.	----	1. Manoj @ Morkheri 2. Naveen Kumar 3. Sumit @ Sam 4. Ajender @ Monu 5. Bijender	Illegal weapons used were provided by Manoj @ Morkheri. One 9mm pistol used in this case was recovered from Sumit @ Sam vide FIR no. 118/11, u/s 25 Arms Act, PS Kundli, Sonipat, Haryana. The recovered weapon was also used in case FIR no. 215/10, u/s 148/149/302/120B IPC & us/ 25/27 Arms Act, PS City Bahadurgarh, Haryana.
5.	12/2010	395 IPC & 25 Arms Act	Mangliawas, Rajasthan	In this case accused Manoj @ Morkhedi along with his other associates robbed more than Rs. 4 lakhs at gun point.	1. Sunil @ leela 2. Saitan Singh 3. Nathulal 4. Pushkar 5. Manoj @ Morkhedi (not arrested till date)	In total Rs. 1.5 lakhs were recovered from the co-accused persons arrested in this case.
6.	116/2011	387/506 IPC	Rohtak City, Haryana	In this case, accused Manoj @ Morkhedi telephonically extended threat to kill the complainant and demanded Rs. 10 lakhs as protection money.	1. Manoj @ Morkhedi 2. Manish @ Munshi 3. Deepak	----
7.	47/2011	364A IPC	South Campus Delhi.	Abducted one Paramvir Rana at gun point from the area of PS South Campus and demanded Rs. 3 crores as ransom amount. It was only after ransom money of Rs. 35 lakhs received, the victim was released.	1. Manoj @ Morkhedi 2. Rajesh @ Bharti 3. Arun 4. Anil @ Ganja 5. Jitender Dixit @ Bantu 6. Parvesh Grewal 7. Sandeep Chhikara 8. Sumit @ Sam	Out of the ransom money, Rs. 20,000/- recovered from the house of accused Sandeep Chikara of Vill. Ladrawan Delhi, the co-accused of Manoj @ Morkhedi

8.	86/2011	364/34 IPC	City Bahadurgarh Haryana.	On 11.03.2011, from the area of PS City Bahadurgarh, Haryana, one Mohit Hooda was abducted at gun point for ransom. Rs. 50 lakhs were demanded and it was on receipt of Rs. 20 lakhs, the victim was released.	1. Manoj @ Morkhedi. 2. Anil @ Ganja 3. Sumit @ Sam 4. Sunil @ Lala 5. Sonu @ Machar 6. Jaibhagwan 7. Joginder @ Sonu @ Dholu 8. Pradeep @ Babloo 9. Jyoti Prakash @ Baba 10. Gautam 11. Manoj Najafgarh 12 Dhirpal @ Bagdi 13. Dhirpal @ Kana	---
9.	497/2011	364A IPC	Prashant Vihar,Delhi.	One Rishu, student of Maharaja Agrasen College was abducted at gun point. Ransom of Rs. 5 crore was demanded and only after receipt of Rs. 1 crore, the victim was released.	1. Manoj @ Morkhedi 2. Anil @ Ganja 3. Dhirpal @ Bagdi 4. Rohit @ Rahul 5. Naresh 6. Ishwar @ Pandit 7. Jagdeep @ Sonu.	Out of ransom money, R. 50,000/- recovered in case FIR no. 135/12, u/s 186/353/307/34 IPC & 25/27 Arms Act, PS Alipur, Delhi, from accused Manoj @ Morkhedi and Rs. 50,000/- recovered from the search of co-accused Rakesh in the above case of Alipur, who died in this encounter.
10.	158/12	386/506/34 IPC	Kundli, Haryana	In this case, accused Manoj @ Morkhedi extended threat to kill the complainant and demanded Rs. 2 lakhs as protection money.	1. Manoj @ Morkheri	--
11	81/13	302/34/120B IPC & 25/27 Arms Act	City Rohtak, Haryana	----	1. Manoj Kumar @ Vikky @ Morkheri 2. Nahar Singh 3. Ashok 4. Vikash @ Monu 5. Dharmender 6. Kuldeep 7. Sudhir 8. Rahul 9. Sahdev 10 Anil @ Leela @ Ganja. 11. Mahesh @ Sunny 12. Amar Singh @ Bholu	In this case, Manoj @ Morkhedi and his associates Anil, Mahesh @ Sonu and Amar @ Bholu were armed with pistol.

12	135/2013	186/353/307 /34 IPC & 25/54/59 Arms Act	Alipur, Delhi.	---	1. Manoj @ Morkheri 2. Vivek @ Vicky 3. Praveen Bawana 4. Praveen @ Rinku Nahri	One pistol 9mm recovered from the possession of Manoj @ Morkheri and one pistol 7.65 caliber recovered from the possession of Rakesh @ Rakka, co-accused of Manoj @ Morkhedi.

17. After investigation, there was sufficient evidence against arrested accused Manoj @ Morkheri (A-1), Anil @ Ganja [A-9 (since P.O.)], Ishwar @ Kala @ Ravi @ Pandit (A-5), Dheerpal @ Bagadi (A-6), Arun @ Kala @ Lambu (A-2), Sumit @ Sam (A-3), Jitender Dixit @ Bantu (A-4), Pravesh Grewal (A-10) & Rohit @ Rahul (A-7) to charge-sheet them for running an organized crime for pecuniary gains or other advantages by use of cohesion, force or threat and accordingly charge-sheet was filed against them.

18. Later on separate supplementary charge-sheets were filed against accused Naresh Kumar @ Pahelwan and Jagdeep @ Sonu. IO has also filed certified copies of 06 charge-sheets against accused Naresh @ Pehalwan and 07 charge-sheets against accused Jagdeep @ Sonu along with the list of the charge-sheets which were earlier filed by the previous IO at the time of filing of the main charge-sheet.

19. Arguments on the point of charge heard. Perused the record including the written submissions filed on behalf of accused Arun @ Kala (A-2), Sumit @ Sam (A-3) and Parvesh Grewal (A-10) along with relevant citations.

20. During course of arguments, Sh. Pradeep Rana, ld. Counsel for the accused Arun @ Kala (A-2), Sumit @ Sam (A-3) and Parvesh Grewal (A-10) had stated that for charging a person of organized crime or being a member of organized crime syndicate, it would be necessary to show that the concerned accused persons have indulged in any activity, which is prohibited by law, which is a cognizable offence punishable with imprisonment for three years or more, undertaken either singly or jointly, as a member of organized crime syndicate i.e. acting as a syndicate or a gang, or on behalf of such syndicate, in respect of similar activities (in the past) qua which more than one charge-sheets were filed in competent court within the preceding period of ten years and the Court has taken cognizance of such offences and that such activity is undertaken by violence or threat of violence or intimidation or coercion or other unlawful means and with the object of gaining pecuniary benefit or undue or other advantage for himself or any other person or with the object of promoting insurgency. He had further argued that Section 3 (1) of the MCOCA provides punishment for commission of organized crime whereas section 3 (2) provides punishment for conspiring, attempting to commit or abetting organized crime and both these sections contemplate existence of an organized crime or acts which are a prelude to commission of such a crime. He had further argued that Section 3 (4) of the Act punishes a person who becomes a member of an organized crime syndicate, which is defined u/s 2 (1) (f) of MCOCA, as per which, a group of persons indulged in activities of organized crime. He had further argued that in order to show that a person is a member of an organized crime syndicate too, the prosecution needs to prima facie bring admissible material qua the existence of organized crime in which

the group of persons alleged to have indulged in. He had further argued that Section 3 (5) provides punishment for holding property derived from an organized crime and it contemplates firstly the existence of an organized crime and then generation of income/property therefrom. He had further argued that Section 4 of MCOCA provides punishment for a person who is in possession of a property on behalf of a member of an organized crime syndicate, which he cannot account for and for that too first requirement is existence of an organized crime syndicate and an organized crime syndicate exists only if an organized crime is being committed. He had further argued that thus all the aforesaid provisions are predicated on the existence of an organized crime. Ld. Counsel had further argued that as per definition of Section 2 (1) (e) of MCOCA, the organized crime takes place only if the offender carries on "continuing unlawful activity" in a certain manner and has submitted that from the same, it is clear that the accused persons can be said to have committed any of the alleged offences only, if the prosecution is able to demonstrate that they indulged in "continuing unlawful activity" in the manner as specified u/s 2 (1) (e) of the Act and such "continuing unlawful activity" is defined u/s 2 (1) (d) of MCOCA. He had further argued that at the stage of charge, the evidence is not to be closely and critically evaluated, however that does not imply that charge can be framed even in absence of material to satisfy essential ingredients because of presence of nominal evidence on remaining constituents. He had further argued that prosecution has to prima facie show that the accused persons were involved in "continuing unlawful activity". He had further argued that the offence of MCOCA will be attracted only if the accused persons commit a third cognizable offence after filing of charge-sheets and the filing of two previous charge-sheets,is one of the requisites for the purpose of identifying unlawful activity. He had further argued that there must be a third offence distinct from the initial two offences (for which charge-sheets must have been filed & cognizance qua the same taken) and only the third offence is termed as "organized crime" and which confers territorial jurisdiction to try the MCOCA case. He had further argued that proof of filing of previous charge-sheets against accused persons is not sufficient and accused persons ought to be shown to have committed the same crime again, before MCOCA is applied to them. He had further argued that date of invoking of MCOCA is different from the date of third substantive "offence" and it is the latter which is relevant for fulfilling requirements of "continuing unlawful activity" which implies that MCOCA offence or the offences described in the previous charge-sheets cannot be treated as the "activity" and after filing of the minimum two charge-sheets and taking of cognizance by the Court, there has to be a "third substantive offence" committed by an accused. He had further argued that MCOCA cannot be applied if simply three offences have been committed in close succession. Ld. Counsel had further argued that mere acquisition of wealth is not an offence under MCOCA and to attract the said offences, it has to be shown that there has been an organized crime or an organized crime syndicate and that presumption can be drawn on the basis of unaccounted wealth only u/s 17 (2) of MCOCA according to which if a person involved in organized crime is found to be in possession of unaccounted property, the Court shall presume that the said property was acquired by illegal activity. He had further argued that prosecution has failed to demonstrate existence of "continuing unlawful activity" and "organized crime" and therefore it cannot be said that accused persons are involved in commission of either of the offences. Ld. Counsel had further argued that accused Pravesh Grewal (A-10) has been falsely implicated in this case with well deliberations in pre-planned manner on the presumption of being an associate of co-accused Manoj Morkheri (A-1) and his name (A-10) is not mentioned in any case with him (A-1) and he has nothing to do with the alleged crime syndicate as alleged and that he has already been granted bail by the ld. Predecessor of this Court vide order dated 05/11/2018. He had further argued that accused Pravesh was falsely implicated in case FIR no. 47/11, PS Dhaula Kuan, u/s 363/366/468/12B/34 IPC prior to invoking of MCOCA and has already been acquitted in the said case. Ld. Counsel had further argued that it has been alleged that applicant/accused Parvesh Grewal was in touch with other co-accused through phone calls, but no CDR or phone number has been revealed by the prosecution to establish any connection of said accused with other co-accused persons. He had further argued that from the perusal of charge-sheet, it is very much clear that the name of accused Pravesh Grewal was associated with other co-accused persons in one case only in which he has been acquitted and there is no other case pending against him. Sh. Pradeep Rana further argued that prosecution is relying upon the confessional statement allegedly given by the said accused in the presence of concerned DCP, but as per provisions of Section 18 (6) MCOC Act, the accused was produced before ld. C.M.M. on 23/08/2016 where he gave his statement that he had not given any confessional statement and rather police obtained his signatures on blank papers, hence the confessional statement obtained in the presence of police officials does not have any relevance/legality in the eyes of law. He had further argued that said accused was very much present at his residence which is evident from the CCTV footage installed at his home is already annexed. He had further argued that IO had verified every fact and circumstance in regard to the financial and economical status of the applicant/accused Pravesh but nothing came on record which can raise suspicion that said accused has acquired any illegal wealth/property in his name or in the name of his relatives. He had further argued that the disclosure statement is inadmissible piece of evidence for want of any discovery of fact or recovery of articles.

21. As regards accused Sumit @ Sam (A-3), Sh. Pradeep Rana had argued that said accused has also nothing to do with the alleged crime syndicate and that he was allegedly involved in following cases:-

S.No.	FIR No.	Section	PS	Status
1.	47/11	364A IPC	Narela	acquitted on 25/02/2014
2.	86/11	364A IPC	Bahadurgarh	acquitted on 09/03/2016
3.	65/11	379 IPC	Gurgaon	Undergone (no other accused of MCOCA involved)
4.	79/11	392/397/467/468 IPC	Kundli	Acquitted on 26/02/2014
5.	118/11	420/471 IPC	Kundli	Undergone (no other accused involved)
6.	510/10	302/34 IPC	Narela	Acquitted on 31/01/2018
7.	33/11	392/397/34 IPC	Vasant Kunj	Acquitted on 17/01/2013

22. Sh. Pradeep Rana had further argued that accused Arun @ Kala (A-2) was also falsely implicated in cases listed below wherein he has already been acquitted:-

S.No.	*FIR No.*	*Section*	*PS*	*Status*
1.	*102/08*	*148/149/307 IPC & 25/27 Arms Act*	*Sampla*	*acquitted on 02/02/2010*

2.	*269/10*	*392 IPC*	*Dhaula Kuan*	*acquitted on 25/07/2012*
3.	*65/11*	*379 IPC*	*Gurgaon*	*Undergone (no other accused of MCOCA involved)*
4.	*79/11*	*392/397/467/468 IPC*	*Kundli*	*Acquitted on 26/02/2014*
5.	*118/11*	*420/471 IPC*	*Kundli*	*Undergone (no other accused involved)*
6.	*510/10*	*302/34 IPC*	*Narela*	*Acquitted on 31/01/2018*

23. Sh. Pradeep Rana had further argued that from the aforesaid charts, it is clear that A-2 & A-3 were acquitted in all the cases of alleged organized crime and there is no third substantive offence of continuing unlawful activity against them (as per section 2 (d) of the aforesaid "Act") and at no point of time, accused persons have ever abetted/harboured/concealed any member of any organized crime syndicate, the allegations levelled in the charge-sheet are vague in nature without any electronic/documentary evidence. He had further argued that there is nothing on record to show that said accused persons were having any common motive with other accused persons and that the case of prosecution is based on presumption and conjecture, there is no direct or indirect evidence which can connect the accused persons with other accused persons.

24. In support of his arguments, Sh. Pradeep Rana has relied upon following judgments:-

i) ***State of Maharashtra & Ors. Vs Shiva & Ors., MANU/SC/0787/2015*** *of Hon'ble Supreme Court of India.*

ii) ***Shiva @ Shivaji Vs State of Maharashtra, Crl. Appeal No. 717 of 2002, date of decision: 18/11/2018*** *of Hon'ble Bombay High Court.*

iii) ***State of Maharashtra Vs. Shiva @ Shivaji, Crl. Appeal no. 458460 of 2009, date of decision: 24/07/2015*** *of Hon'ble Supreme Court of India.*

iv) ***State (NCT of Delhi) Vs. Brijesh Singh and Ors., AIR 2017 SC 4888.***

v) ***Prasad Shrikan Purohit Vs State of Maharashtra & Ors., AIR 2015 SC 2514.***

vi) ***State Vs Brijesh Singh & Ors., MANU/DE/1170/2015*** *of Hon'ble Delhi High Court.*

vii) ***State of Maharashtra Vs Rahul Ramchandra Taru, criminal Appeal no. 239 of 2011, MANU./MH/0646/2011*** *of Hon'ble Bombay High Court.*

viii) ***State of NCT of Delhi Vs Navjot Sandhu, [2005 SCC (Cri.) 1715]*** *of Hon'ble Supreme Court of India.*

ix) ***Sajjan Kumar Vs CBI (2010) 9 SCC 368*** *of Hon'ble Supreme Court of India.*

x) ***Union of India Vs Prafulla Kumar Samal & Anr. (1979) 3 SCC 4***

xi) ***Dilawar Balu Kurame Vs State of Maharashtra, (2002) 2 SCC 135.***

xii) ***State of UP through CBI Vs. Dr. Sanjay Singh & Ors. [1994 supp. 92) SCC 707]*** *of Hon'ble Supreme Court of India.*

xiii) ***Prashant Bhaskar Vs State [Govt. of NCT of Delhi] [2014 (1) JCC 750*** *of Hon'ble Delhi High Court.*

xiv) ***Sunil Bansal Vs State of Delhi [2007 (2) JCC 1415]*** *of Hon'ble Delhi High Court.*

xv) ***Diwar Balu Khurana VS State of Maharashtra [2002 SCC Cri. 310)*** *of Hon'ble Supreme Court of India.*

xvi) ***Om Wati Vs State & Ors. [(2001) 4 SCC 333***

xvii) ***Madan VS State of Maharashtra, Crl. Appeal no. 308/2002 dated 26/03/2009*** *of Hon'ble Bombay High Court.*

xviii) ***Jai Singh & Ors. Vs State of Maharashtra, Crl. WP No. 21 of 2002 dated 31/03/2003*** *of Hon'ble Bombay High Court.*

xix) ***State (NCT of Delhi) Vs Brijesh Singh and Ors., AIR 2017 SC 4888*** *of Hon'ble Supreme Court of India.*

xx) ***Prashant Shrikant Purohit Vs State of Maharashtra & Ors.,***

AIR 2015 SC 2514 *of Hon'ble Supreme Court.*

xxi) ***Niranjan Singh Karam Singh Punjabi V Jitendra Bhimraj Bijja & Ors., AIR 1990 SC 1962*** *of Hon'ble Supreme Court of India.*

xxii) ***Ishtiyak Vs State (NCT of Delhi), W.P. (Crl.) No. 1205/2012, date of decision: 08/10/2013*** *of Hon'ble High Court of Delhi.*

xxiii) ***State of Maharashtra Vs Jagan Gagansingh Nepali & Ors., MANU/MH/1155/2011, date of decision: 05/08/2011****.*

xxiv) ***Sahebro Kaluram Bhintade & Ors. Vs State of Maharashtra & Ors., MANU/MH/3451/2019*** *of Bombay High Court.*

xxv) ***State Govt. of NCT of Delhi Vs Khalil Ahmad, MANU/DE/1770/2012, date of decision 23/04/2014*** *of Hon'ble Delhi High Court.*

xxvi) ***Gajanan Vs The State of Maharashtra, Crl Appeal no. 350-2017, date of decision 06/07/2018*** *of Hon'ble Bombay High Court.*

xxvii) ***SC no. 151/17, titled as State VS. Afaq Hussain & Ors., FIR no. 144/16, PS Crime Branch (Central), Delhi, date of order: 24/08/2018*** *of Dr. Ashish Aggarwal, ld. ASJ-03, Central District, Delhi.*

xxviii) ***Criminal Appeal nos 664/2002, 665/2002, 717/2002, 86/2003, 90/2003, 93/2003 and 215/2003, titled as Prafulla & Ors. Vs State of Maharashtra, date of decision:-18/11/2008*** *of Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur.*

*xxix) S****urjitsingh Bhagatsingh Gambhir Vs The state of Maharashtra & Ors., Writ petition no. 913/2019*** *of Hon'ble High Court of Judicature at Bombay Criminal Appellate Jurisdiction, date of decision:-13/09/2019.*

xxx) ***Criminal Bail Application no. 512 of 2013, titled as Shamil Saquib Nachan Vs The State of Maharashtra, MANU/MH/0486/2013*** *of Hon'ble Bombay High Court.*

Xxxi) ***Jamiruddin Ansari Vs Central Bureau of Investigation & Anr., MANU/SC/0924/2009, date of decision: 06/05/2009*** *of Hon'ble Supreme Court of India.*

xxxii) ***Criminal Appeal no. 645 of 2012, Sangeetaben Mahendrabhai Patel Vs State of Gujarat & Anr., date of decision 23/04/2014*** *of Hon'ble Supreme Court of India.*

xxxiii) ***Deepak Bhatia Vs Virender Singh, Crl. Rev. P 382/2015,***

date of decision: 18/09/2015 *of Hon'ble Delhi High Court.*

xxxiv) ***Raisa Begum Vs State, MANU/DE/3783/2015, date of decision: 21/05/2015 o****f Hon'ble Delhi High Court.*

Xxxiv) ***Ranjitsingh Brahmajeetsing Vs State of Maharashtra & Anr., Appeal (Crl.) 523 of 2005, date of decision: 07/04/2005*** *of Hon'ble Supreme Court of India.*

Xxxv) ***Session case no. 20 of 2011/2014, FIR no. 86/2011, PS City, Bahadurgarh, titled as State Vs Sunil @ Lala & Ors., date of decision: 09/03/2016*** *of Ms. Raj Gupta, ld. ASJ (Exclusive Court), Jhajjar.*

Xxxvi) ***SC no. 89/2011/2013 & 281 of 2013, titled as State Vs Arjun @ Kala & Ors., FIR no. 79/2011, PS Kundli, Sonepat, date of decision:-26/02/2014*** *of Sh. Jagdeep Singh, ld. ASJ, Sonepat.*

Xxxvii) ***Criminal Case no. 280, FIR no. 118/2011, PS Kundli, titled as State Vs Sumit, date of decision:-02/05/2012*** *of Sh. Lal Chand, ld. ACJM, Sonipat.*

*Xxxviii)****CRL.A. 358/2017, titled as Ajender @ Monu VS State (NCT of Delhi), & CRL.A. 617/2017, titled as Sumit @ Sam Vs. State (NCT of Delhi), date of decision: 31/01/2****018 of Hon'ble Delhi High Court.*

Xxxix) ***SC no. 36/11, FIR no. 33/2011, u/s 392/397/34 IPC, PS Vasant Kunj, titled as State Vs Rajesh @ Bhati & Ors. of Sh. Atul Kumar Garg, ld. ASJ,South District, Saket Court****, New Delhi.*

25. Ld. Counsels for other accused persons have adopted the arguments addressed by Sh. Pradeep Rana, advocate & have also addressed some similar arguments. Ld. counsel for accused Jitender has submitted that no case under MCOCA is made out against accused Jitender as out of six criminal cases, only two cases are pending against him and in rest of the cases he has already been acquitted, to which, ld. Addl. PP for the State has submitted that there are 7 criminal cases pending against accused Jitender and only in one case bearing FIR no. 1674/14, PS Narela, u/s 302 IPC, charge-sheet is not annexed with the present case. Ld. counsel for the accused has

further submitted that judgment in the case of State (NCT of Delhi) Vs Brijesh Singh @ Arun Kumar, Crl. Appeal no. 1750/2017 is applicable in the present case as mainly the offences related to outside Delhi.

26. Ld. Counsel for accused Manoj Morkheri has relied upon following judgment:-

i) ***Bail application no. 1638/2019, titled AS Digvijay Saroha Vs State, date of decision: 23/09/2019*** *of Hon'ble Delhi High Court.*

27. Per contra, ld. Addl. PP for the State has submitted that object of the MCOC Act is to regulate and control the increase in organized crime and terrorism which is done for getting the pecuniary gains. He has further submitted that definitions of Section 2(d) (e) & (f) are very much material and the present case is clearly covered under those definitions as the accused persons were committing the offences as members of organized crime syndicate. He has further submitted that it is not necessary that all the accused persons should be committing the offences collectively & the act of one person, who is doing the same on behalf of such crime syndicate, then the same is also covered under the MCOC Act & the said person is equally liable for the same. Ld. Addl. PP for the State has submitted that in State (NCT of Delhi) Vs Brijesh Singh @ Arun Kumar, the accused persons were acquitted because no activity had taken place in Delhi, while in the present case, the accused persons are also involved in cases committed in Delhi. He has further submitted that only taking of cognizance of the offences at this stage is relevant with regard to previous offences and the final outcome is not required for framing the charges. He has further submitted that reliance of ld. counsels for the accused persons

on *Shiva @ Shivaji Vs State of Maharashtra, Crl. Appeal No. 717 of 2002, date of decision: 18/11/2018,* cannot be considered at this stage because in that case, the accused persons were acquitted at the final stage and while framing charges, if the Courts had taken the cognizance in other involvements, the same are very much relevant. He has further submitted that even if pecuniary gain is not proved, the same cannot be a ground to discharge the accused persons as sine-qua-non for the definition u/s 2(d), (e) & (f). He has further submitted that the offences were committed in Delhi also and those offences were committed by the accused persons in the capacity of members of organized crime syndicate, hence, even if no money was traced, the same does not vitiate the case of the prosecution. Ld. Addl. PP has further submitted that disclosure statement/confessional statement u/s 18 of the MCOC Act is also relevant at the time of framing of charge and as per disclosure statements, all the accused persons were members of organized crime syndicate and had committed the offences as members of the organized crime syndicate. He has further submitted that there is sufficient material against the accused persons for framing of the charges against them as the accused persons were found to be involved in number of heinous cases which itself reflect that they indulged in organized syndicate crime for the purpose of gaining pecuniary benefits, undue economic or other advantages. He has further submitted that the facts of the judgments filed by the ld. defence counsels are not applicable in the present case. He has further argued that disclosure statements of the accused persons have been recorded in which they have admitted that they have indulged in syndicate crime. In support of his arguments, ld. Addl. PP for the State has relied upon the following judgments:-

i) Prashad Shrikant Purohit vs State of Maharashtra, date of decision 15/04/2015.

ii) Prashad Shrikant Purohit vs State of Maharashtra, date of decision 21/08/2017.

iii)State (NCT of Delhi) Vs Brijesh Singh @ Arun Kumar, Crl. Appeal no. 1750/2017

iv) Digvijay Saroha Vs State, date of decision:-23/09/2019

v) Jagmohan @ Mohar Singh Vs Commissioner of Police & Ors, date of decision: 01/12/2006.

vi) Praveen Bazarat Vs State NCT of Delhi, date of decision:-26/07/2021

vii) Govind Shankaran Vs State of Maharashtra, date of decision 11/06/2019

viii) State of Maharashtra Vs Jagan Gagan Singh Nepali.

x)Muzahid Vs State of Maharashtra, Criminal Appeal no. 3990/2014, 3953, 4026, 4883 of 2014, date of decision 20/11/2014.

28. The accused persons have been charge-sheeted for the offences u/s 3 (1), 3(4) & 3 (5) of Maharashtra Control of Organized Crime Act, 1999.

29. It would be appropriate to set out certain provisions of the MCOCA, in particular Sections 2 (d), 2 (e) and 2 (f) of the MCOCA, which have been reproduced as under:-

> *Section 2 (d): "continuing unlawful activity" means an activity prohibited by law for the time being in force, which is a cognizable offence punishable with imprisonment of three years or more, undertaken either singly or jointly, as a member of an organised*

crime syndicate or on behalf of such, syndicate in respect of which more than one charge-sheets have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence;

Section 2 (e): "organized crime" means any continuing unlawful activity by an individual, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion, or other unlawful means, with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any person or promoting insurgency.

Section 2(f) : "organized crime syndicate" means a group of two or more persons who, acting either singly or collectively, as a syndicate of gang indulge in activities of organized crime; (g) "Special Court" means the Special Court constituted under section 5.

30. In the judgment of Hon'ble Supreme Court tilted as '**State (NCT Of Delhi) vs. Brijesh Singh @ Arun Kumar AIR 2017 SC 4888, it is held in para 31 as under:-**

"31. The upshot of the above discussion is that there should be a minimum of two charge sheets of organized crime registered against the members of the syndicate either separately or jointly for the purpose of constituting a continuing unlawful activity. Charge sheets filed outside Delhi can also be taken into account".

30.1. In the judgment of Hon'ble Supreme Court in the case of **Prasad Shrikant Purohit Vs State of Maharashtra & Ors., AIR 2015 SC 2514,** it has been held as under:-

'By conspectus reading of the above three definitions, if in the preceding 10 years from the date of third continuing unlawful activity if more than one charge-sheet has been filed before a competent Court which had taken cognizance of such offence which would result in imposition of a punishment of three years or more, undertaken by a person individually or jointly either as a

member of an 'organized crime syndicate' or on its behalf, such crime if falls within the definition of 'organized crime', the invocation of MCOCA would be the resultant position".

30.2. In the judgment of Hon'ble Supreme Court titled as **State of Maharashtra & Ors. Vs Shiva & Ors., MANU/SC/0787/2015, it has been held in para 8 as under:-**

> 8. " It was in the backdrop that the High Court held that once the respondents had been acquitted for the offence punishable under the IPC and Arms Act in Crimes No. 37 and 38 of 2001 and once the Trial Court had recorded an acquittal even for the offence punishable under Section 4 read with Section 25 of the Arms Act in MCOCA Crimes no. 1 and 2 of 2002 all that remained incriminating was the filing of charge *sheets against the respondents in the past and taking of the cognizance by the competent Court over a period of ten years prior to the enforcement of the MCOCA. The filing of charge sheets or taking of the cognizance in the same did not, declared the High Court, by itself constitute an offence punishable under Section 3 of the MCOCA. That is because the involvement of respondents in previous offences was just about one requirement but by no means the only requirement which the prosecution has to satisfy to secure a conviction under MCOCA. What was equally, if not, more important was the commission of an offence by the respondents that would constitute continuing unlawful activity. So long as that requirement failed, as was the position in the instant case, there was no question of convicting the respondents under Section 3 of the MCOCA. That reasoning does not, in our opinion, suffer from any infirmity. "*

30.3. From the aforesaid case laws, it is clear that in case more than one charge-sheet has been filed before a competent Court which has taken cognizance of such offence which would result in punishment of three years or more, which has been undertaken by a person individually or jointly either as a member of an organized crime syndicate or on its behalf, in the preceding 10 years from the date of the third continuing unlawful activity, then the said crime is an organized crime and hence the provisions of MCOCA can be invoked. Also in case the commission of third unlawful activity is not there, then the provisions of MCOCA cannot be invoked.

31. In the case of **Digvijay Saroha Vs. State, (2019)**, while discussing the judgments of Hon'ble Bombay High Court in the case of Govind Sakharam Ubha Vs. State of Maharashtra, the Hon'ble Delhi High Court has held in para no. 17 as under:-

> "17. *Perusal of the above judgments reveal that the requirement of one or more charge-sheet relates to unlawful activities of the organized crime syndicate and does not pertain to a particular member of the crime syndicate accused........"*

32. In view of the aforesaid case laws, it is not necessary that all the accused persons who have been charge-sheeted under MCOCA, must have been involved in two cases of organized crime previously & cognizance qua the same taken in the preceding 10 years which offences are punishable with three years imprisonment or more.

33. In the judgment of Hon'ble Bombay High Court in the case of "**Mujahid s/o Ibrahim Pathan Versus The State of Maharashtra (2015)**, it has been held as under:-

> "The *words "in respect of which more than one charge-sheets have been filed", cannot be stretched to the extent that minimum one charge-sheet is required to be pending against each member of the crime syndicate. A reading of the entire scheme of the Act reflects that pendency of more than one charge sheets within a period of ten years is*

enough qualification for invoking the provisions of the MCOCA, provided same is pending against the members of the crime syndicate, who operates as individually or jointly in commission of organized crime.

34. Thus it is not required that more than one charge-sheet should be there against a particular member only. The requirement of more than one charge-sheet pertains to the unlawful activities of the organized crime syndicate and not against each and every member.

35. The Hon'ble Delhi High Court in **Jagmohan @ Mohar Singh Vs Commissioner of Police & Ors. while relying** upon the judgment of Hon'ble Bombay High Court titled as "Bharat Shantilal Shah and Ors. v. The State of Maharashtra", Criminal Writ Petition No. 27/2003, has observed in para no. 27 as under:-

"27. *The circumstances that followed the charge are not material. The provision only defines what is continued unlawful activities and refers to whether a person has been charged over a period of ten years for the purpose of seeing whether the person is charged for the first time or has been charged often. The circumstance of conviction or acquittal that followed the charge is not material. The limited purpose is to see antecedents of the person. Not to convict."*

36. The Hon'ble Delhi High Court has held in the aforesaid judgment in para 18 & 19 as under:-

"18...........*The acquittal or conviction is not determinative of commission of the offence. Rather, the filing of the charge-sheets and cognizance by the Court are regarded as demonstrative of indulging in and having propensity in unlawful activity or organized crime, which is actionable under the Act."*

> 19...........*the conviction is not a sine qua non for invocation of the offence under Section 2(d) & (e) of MCOCA. The ingredients of the offence to be satisfied are filing of more than one charge-sheet before the Competent Court against a member of the organized crime syndicate and taking of cognizance. The requirement of conviction has understandably not been made one of the ingredients of the offence considering the object sought to be achieved........"*

37. The Hon'ble Supreme Court in judgment titled as **State (NCT Of Delhi) vs. Brijesh Singh @ Arun Kumar AIR 2017 SC 4888** has held that to invoke MCOCA in Delhi, it is required that at least one charge-sheet should be filed in Delhi. It has not been held that all the charge-sheets must be against all the members of the syndicate in Delhi only. The facts of the charge-sheet reveal that all the accused persons have committed various organized crimes either singly or jointly for the purpose of gaining pecuniary benefit, undue economic or other advantage.

38. The judgment of Hon'ble Bombay High Court in the case of **The State Of Maharashtra vs Jagan Gagansingh Nepali (2011) has held in para no. 33 to 35 as under:-**

> *"33. It is pertinent to note that in both Statement of Objects and Reasons and the Preface, though certain activities have been mentioned the same are followed by the term "etc". It is, thus, clear that the activities mentioned in the Statement of Objects and Reasons and the Preface are only illustrative in nature and not exhaustive. It is, thus, clear that the legislative intent is not only to curb only the activities mentioned in the Statement of Objects and Reasons or Preface but to curb various other activities of the organised crime syndicate so that unlawful elements spreading terrorism in the society can be controlled to a great extent, with an intention that the feeling of fear spread in the society is minimized.*

34...... The perusal of the Preamble and the Statement of Objects and Reasons and Preface, in our considered view, does not lead to any narrower meaning that MCOCA has been enacted only for the purpose of curbing activities which involve pecuniary gains or undue economic advantages. The mischief which is sought to be cured by enactment of MCOCA is to curb and control menace of organised crime. The law has been enacted with the hope that the elements spread by the organised crime in the Society can be controlled to a great extent and for minimizing the fear spread in the society. If a narrower meaning as sought to be placed is accepted, it will frustrate the object rather than curing the mischief for which the Act has been enacted.

35.......We are also of the considered view that there could be various "unlawful continuing activities" by a member of "organised crime syndicate" or by any person on behalf of such a syndicate which can be for the advantages other than economic or pecuniary........"

39. The record further reveals that IO of this case recorded disclosure statements of all the arrested accused persons during the investigation of this case. The six accused persons namely Anil [A-9 (since P.O.)], Manoj (A-1), Pravesh (A-10), Rohit (A-7), Jagdeep (A-11) and Naresh (A-8) had also made voluntary statements to the concerned DCP regarding their involvement in the abovesaid various crimes etc.

40. In his confessional statement, accused Anil @ Ganja [A-9 (since P.O.)] has disclosed that he had committed various crimes being part of organized crime syndicate along with his associates, details of which are as under:-

i) accused Jitender @ Bantu, Sotty, Rajesh Bharti, Sandeep, Sumit @ Sam, Parvesh Grewal & Manoj Morkheri (pertaining to FIR no. 47/11, PS Dhaula Kuan, u/s 364A IPC)

ii) Manoj @ Morkheri, Sumit @ Sam,Dheerpal @ Deepak along with

other associates (FIR no. 86/11, PS Bahadurgarh, u/s 364A/34 IPC)
iii) Manoj @ Morkheri, Dheerpal @ Deepak, Jagdeep @ Sonu, Naresh, Ishwar Pandit, Rohit @ Rahul (FIR no. 497/11, PS-Prashant Vihar, u/s 364A/120B IPC).

41. Accused Manoj @ Morkheri (A-1) has disclosed in his confessional statement to concerned DCP that he had committed various crimes being part of organized crime syndicate along with his associates, details of which are as under:-

i) accused Anil @ Ganja, Sumit @ Sam, Dheerpal, Jagdeep @ Sonu & other associates (pertaining to FIR no. 47/11, PS Dhaula Kuan, u/s 364A IPC).

ii) Anil @ Ganja, Jagdeep @ Sonu, Naresh, Ishwar Pandit, Rohit @ Rahul etc. (FIR no. 497/11, PS-Prashant Vihar, u/s 364A/120B IPC).

42. In his confessional statement to concerned DCP, accused Rohit @ Rahul (A-7) had disclosed that he had committed crime being part of organized crime syndicate along with his associates, detail of which is as under:-

i) Manoj @ Morkheri, Anil @ Ganja, Jagdeep @ Sonu, Naresh, Dheerpal & Ishwar Pandit (pertaining to FIR no. 497/11, PS-Prashant Vihar, u/s 364A/120B IPC).

43. Accused Pravesh Grewal (A-10) had disclosed in his confessional statement to concerned DCP that he had committed crime being part of organized crime syndicate along with his associates, detail of which is as under:-

i) accused Manoj (A-1), Sumit @ Sam (A-3), Anil @ Ganja [A-9 (since P.O.)], Arun @ Kala (A-2) and Rajesh Bharti [A-12 (since expired) (pertaining to FIR no. 47/11, PS Dhaula Kuan, u/s 364A IPC).

44. In his confessional statement to concerned DCP, accused Naresh has disclosed that he had committed various crimes of organized crime syndicate along with his associates, details of which are as under:-

i) Manoj @ Morkheri, Rohit @ Rahul, Jagdeep @ Sonu, Anil @ Ganja, Dheerpal & Ishwar Pandit (FIR no. 497/11, PS-Prashant Vihar, u/s 364A/120B IPC).

ii) Dheerpal, Rohit @ Rahul, Jagdeep @ Sonu etc. (FIR no. 415/11, PS Narnaud, Hisar, u/s 302/148/149/216 IPC & 25 of Arms Act)

45. Accused Jagdeep @ Sonu (A-11) had disclosed in his confessional statement to concerned DCP that he had committed various crimes of organized crime syndicate along with his associates, details of which are as under:-

i) Manoj @ Morkheri, Rohit @ Rahul, Anil @ Ganja, Naresh Pehlwan, Dheerpal & Ishwar Pandit (FIR no. 497/11, PS-Prashant Vihar, u/s 364A/120B IPC).

ii) Naresh Pehlwan, Dheerpal, Rohit @ Rahul etc. (FIR no. 415/11, PS Narnaud, Hisar, u/s 302/148/149/216 IPC & 25 of Arms Act)

46. Subsequently the abovesaid six accused persons were produced before the concerned ld. CMM, who recorded their statements. Ld. CMM forwarded the statements of the accused persons recorded by the DCP concerned in sealed envelope to the concerned ld. Trial Court along with the statements of the accused recorded by the ld. CMM. The accused persons had not made any complaint regarding torture or beating by the police officials while recording their disclosure statements either before the IO or before the DCP concerned.

47. At the time of getting sanction, the list of 24 criminal cases was attached with the case file. After the arrest of accused persons, IO filed the charge-sheet in this case and filed list of total 39 criminal cases in which the abovesaid accused persons are found involved. The latest list filed by the prosecution is as under:-

INVOLVEMENT CHART OF CRIME SYNDICATE

S.No.	FIR No. & PS	U/s	Manoj Morkheri (1)	Anil @ Ganja (2)	Sumit @Sam (3)	Jitender @ Bantu (4)	Ishwar @ Pandit (5)	Dheerpal @ Deepak (6)	Arun @ Kala (7)	Rohit @ Rahul (8)	Jagdeep @ Sonu (9)	Parvesh Grewal (10)
1.	574/07 Civil Line Hissar	323/307/506 IPC	Acquitted 03/08/2008	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
2.	334/08 Model Town	379/34 IPC	Acquitted 02/11/2014	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
3.	408/10 Narnaund	387/365/364A IPC & U/s 25/27	Acquitted 20/05/2015	Not involved	Not involved	Acquitted 20.05.2015	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
4.	510/10 Narela	302/34 IPC & 25/27	Acquitted 31/03/2018 by DHC	Not involved	Acquitted 31/03/2018 by DHC	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
5.	12/10 Mangliawas	395/34 IPC	Pending trial NDOH 21/02/2022	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
6.	116/11 City Rohtak	387/506 IPC	Acquitted 24/01/2018	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
7.	47/11 Dhaula Kuan	364A IPC	Acquitted 25/02/2014	Acquitted 25/02/2014	Acquitted 25/02/2014	Acquitted 25/02/2014	Not involved	Not involved	Acquitted 25/02/2014	Not involved	Not involved	Acquitted 25/02/2014
8.	86/11 City Bahadurgarh	364A/34 IPC	Acquitted 09/03/2016	Acquitted 09/03/2016	Acquitted 09/03/2016	Not involved	Not involved	Acquitted 09/03/2016	Not involved	Not involved	Not involved	Not involved
9.	81/13 City Rohtak	302/120B/34 IPC	Acquitted 21/03/2017	Acquitted 16/01/2018	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
10.	135/13 Alipur	186/353/307/34 IPC	Pending Trial NDOH 29/04/2022	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
11.	158/12 Kundli	386/506 IPC	Acquitted 15/12/2014	Not involved	Acquitted 15/12/2014	Not involved	Not involved	Not involved	Acquitted 15/12/2014	Not involved	Not involved	Not involved
12.	344/14 City Bahadurgarh	387/285/427/420/34 IPC	Not involved	Pending trial NDOH 19/01/2022	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
13.	594/12 Sadar Bahadurgarh	148/149/302/120B IPC & 25 Arms Act	Not involved	Convicted on 17/01/2017	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
14.	246/14 IGI Airport	302/120B/34 IPC & 25 Arms Act	Not involved	Pending trial NDOH 24/03/2022	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
15.	1335/14 Begumpur	392/307/302/34 IPC	Not involved	Not involved	Not involved	Acquitted 16/03/2020	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
16.	960/14 Kanjhawala	307/34 IPC & 25/27 Arms	Not involved	Not involved	Not involved	Acquitted 09/02/2016	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved

		Act										
17.	215/10 City Bahadurgarh	302 IPC	Not involved	Not involved	Not involved	No accused in MACOCA	Not involved	Not involved	Convicted for life imprisonment on 01/02/2016	Not involved	Not involved	Not involved
18.	43/15 Sadar Narwana	302/148/149/216/120B IPC	Not involved	Not involved	Not involved	Life imprisonment on 04/06/2021	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved
19.	116/15 Ranhola	392/34 IPC & 25 Arms Act	Not involved	Not involved	Not involved	Acquitted 18/07/2018	---	-----	------	------	-------	-------
20.	65/11 Palam Vihar	379 IPC	Not involved	Not involved	Convicted as undergone 30/10/2014	Not involved	Not involved	Not involved	Convicted as undergone on 30/10/2014	Not involved	Not involved	Not involved
21.	33/11 Vasant Kunj	392/397/34 IPC	Not involved	Not involved	Acquitted 17/01/2013	Not involved	Not involved	Not involved	Acquitted 17/01/2013	Not involved	Not involved	Not involved
22.	79/11 Kundali	392/397/428/468/467 IPC	Not involved	Not involved	Acquitted 26/02/2014	Not involved	Not involved	Not involved	Acquitted 26/02/2014	Not involved	Not involved	Not involved
23.	118/11 Kundali	25 Arms Act	Not involved	Not involved	Convicted 02/05/2012	--	------	-------	-------	-------	-------	------
24.	415/11 Narnaund Hisar	302/148/149/216 IPC & 25 Arms Act	Not involved	Not involved	Not involved	Not involved	Not involved	Acquitted 02/09/2013	----	------	Acquitted 02/09/2013	-------
25.	46/12 Chhawala	394/34 IPC	Not involved	Acquitted 29/01/2013	Not involved	Not involved	Not involved	Acquitted 29/01/2013	------	-----	------	-------
26.	243/11 Najafgarh	392/174A/34 IPC	Not involved	Not involved	Not involved	Not involved	Not involved	Acquitted 13/11/2014	-----	Acquitted 13/11/2014	-----	------
27.	325/11 Najafgarh	307/386/452 IPC & 25 Arms Act	Not involved	Not involved	Not involved	Not involved	Not involved	Acquitted 20/11/2018	----	Acquitted 20/11/2018	----	------
28.	914/11 Civil Line	392/397 IPC	Not involved	Not involved	Not involved	Not involved	Acquitted 18/11/2015	Acquitted 18/11/2015	----	-----	------	-------
29.	159/12 Baba Haridass Nagar	387/336/34 IPC & 27 Arms Act	Not involved	Not involved	Not involved	Not involved	Not involved	Pending trial NDOH 01/02/2022	----	-----	----	------
30.	497/11 Prashant Vihar	364A IPC	Pending trial NDOH 26/03/2022	Pending trial NDOH 26/03/2022	----	------	NDOH 26/03/2022	Pending trial NDOH 26/03/2022	Not involved	NDOH 26/03/2022	Pending trial NDOH 26/03/2022	-----
31.	20/12 Narnaund	398/401 IPC & 25 Arms Act	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Acquitted 18/11/2012	------
32.	450/13 Civil Lines Hisar	42 Prisoners Act	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Acquitted 06/09/2017	-----
33.	463/16 Narnaund	302/ 34 IPC & 25 Arms Act	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Pending trial NDOH 04/02/2022	---
34.	182/17 Bass Hisar	302/120B/148/149/216 IPC & 25 Arms Act	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Pending trial 08/02/2022	----
35.	28/17 Barwala	302/120B/34 IPC & 25 Arms Act	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Pending trial 20/01/2022	----
36.	299/18 Narnaund Hisar	387/216 IPC	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Pending trial NDOH 13/01/2022	----
37.	356/18 Sadar Hansi Hisar	186/353/307 IPC & 25 Arms Act	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Not involved	Pending trial NDOH 14/01/2022	

S.No.	FIR No. & PS	U/s	Naresh Pehalwan (11)	Sandeep (12)	Rajesh @ Bharti (13)	Vinod @ Panu @ Kana (14)	Amit Kumar (15)	Sonu (16)	Rajesh (17)	Ashish & Billa (18)	Dinesh Punia (19)	Sumit (20)
1.	574/07 Civil Line Hissar	323/307/506 IPC	---			----	----	----	-----	-----	------	------
2.	334/08 Model Town	379/34 IPC										
3.	408/10 Narnaund	387/365/364A IPC & U/s 25/27										
4.	510/10 Narela	302/34 IPC & 25/27										
5.	12/10 Mangliawas	395/34 IPC										
6.	116/11 City Rohtak	387/506 IPC										
7.	47/11 Dhaula Kuan	364A IPC		Acquitted 25/02/2014	Dead		-	----	----	-----	------	-----
8.	86/11 City Bahadurgarh	364A/34 IPC	---	----	-----	-----	----	------	-----	-----	----	----
9.	81/13 City Rohtak	302/120B/34 IPC										
10.	135/13 Alipur	186/353/307/ 34 IPC										
11.	158/12 Kundli	386/506 IPC										
12.	344/14 City Bahadurgarh	387/285/427/ 420/34 IPC			Dead							
13.	594/12 Sadar Bahadurgarh	148/149/302/ 120B IPC & 25 Arms Act										
14.	246/14 IGI Airport	302/120B/34 IPC & 25 Arms Act										
15.	1335/14 Begumpur	392/307/302/ 34 IPC										
16.	960/14 Kanjhawala	307/34 IPC & 25/27 Arms Act										
17.	215/10 City Bahadurgarh	302 IPC										
18.	43/15 Sadar Narwana	302/148/149/ 216/120B IPC										
19.	116/15 Ranhola	392/34 IPC & 25 Arms Act										
20.	65/11 Palam Vihar	379 IPC			**Dead**							
21.	33/11 Vasant Kunj	392/397/34 IPC			**Dead**							
22.	79/11 Kundali	392/397/428/ 468/467 IPC			**Dead**							
23.	118/11 Kundali	25 Arms Act										
24.	415/11 Narnaund Hisar	302/148/149/ 216 IPC & 25 Arms Act	Acquitted 02/09/2013	--	----	----	-----	----	-----	-----	-----	---

25.	46/12 Chhawala	394/34 IPC										
26.	243/11 Najafgarh	392/174A/34 IPC										
27.	325/11 Najafgarh	307/386/452 IPC & 25 Arms Act										
28.	914/11 Civil Line	392/397 IPC	Acquitted 18/11/2015									
29.	159/12 Baba Haridass Nagar	387/336/34 IPC & 27 Arms Act										
30.	497/11 Prashant Vihar	364A IPC	Pending trial NDOH 26/03/2022									
31.	20/12 Narnaund	398/401 IPC & 25 Arms Act										
32.	450/13 Civil Lines Hisar	42 Prisoners Act										
33.	463/16 Narnaund	302/ 34 IPC & 25 Arms Act	Pending trial NDOH 04/02/2022									
34.	182/17 Bass Hisar	302/120B/148 /149/216 IPC & 25 Arms Act		Pending trial NDOH 08/02/2022								
35.	28/17 Barwala	302/120B/34 IPC & 25 Arms Act										
36.	299/18 Narnaund Hisar	387/216 IPC										
37.	356/18 Sadar Hansi Hisar	186/353/307 IPC & 25 Arms Act										

48. The relevant part of Section 18 (1) of MCOCA reads as under:-

> *"Notwithstanding anything in the Code or in the Indian Evidence Act, 1872 (1 of 1872), but subject to the provisions of this section, a confession made by a person before a police officer not below the rank of the Deputy Commissioner of Police and recorded by such police officer either in writing or on any mechanical devices like cassettes, tapes or sound tracks from which sounds or images can be reproduced, shall be admissible in the trial of such person or co-accused, abettor or conspirator."*

49. In view of the provision of Section 18 (1) of MCOCA, the confessional statements recorded by the DCPs concerned of the abovesaid accused persons is admissible against the co-accused persons also. As per the confessional statements of the aforesaid accused persons before the concerned DCP, Crime, it reveals that all the abovesaid named accused persons are member of organized crime syndicate and as per 24 charge-sheets (in which cognizance taken), they were involved in number of cases including case FIR no. 47/11, PS Dhaula Kuan, u/s 364A IPC & FIR no. 86/11, PS-City Bahadurgarh, u/s 364A/34 IPC and the same fulfills the first requirement qua all the accused i.e. existence of at least two charge-sheets u/s 2 (d) of the said Act.

50. Besides the case FIR no. 86/11, PS City Bahadurgarh, accused Manoj @ Morkheri (A-1) is found involved in following other cases:-

S.No.	Name of accused	FIR no.	PS	Section	Date of cognizance	Fate of the case
1	Manoj @ Morkheri **(A-1)**	I) 510/10	Narela	302 /34 IPC & 27 Arms Act	Date of charge- 21/12/11	Convicted on 25/03/2017, but after appeal was acquitted.
		ii)12/10	Mangliawas	395/34 IPC	16/04/12	Under trial.
		iii)135/13	Alipur	186/353/307/34 IPC	12/06/13	Under trial
		iv) 574/07	Civil Line, Hisar	323/307/506 IPC	24/03/08	Acquitted on 03/04/2008.
		v) 334/08	Mode Town	379/34 IPC	19/08/13	Acquitted on 26/11/2014.
		vi) 408/10	Narnaud, Hisar	387/365/364A IPC & 25/27 Arms Act	13/11/14	Acquitted on 20/05/2015.
		vii) 116/11	City Rohtak	387/506 IPC	04/04/15	Acquitted on 09/03/2016.
		viii) 81/13	City Rohtak	302/120B/34 IPC & 25/27 Arms Act	03/07/15	Acquitted on 21/03/2017

		ix) 158/12	Kundli, Sonipat, Haryana	386/506 IPC	13/08/13	Acquitted on 15/12/2014.
2	Ishwar @ Pandit **(A-5)**	-	-	-	-	-
3.	Dheerpal @ Deepak **(A-6)**	i) 159/12 ii) 86/11 iii) 415/11	PS Baba Haridas Nagar PS City Bahadurgarh Narnaud, Hissar	387/336/34 IPC & 27 Arms Act 364A/34 IPC 302/148/149/216 IPC & 25 Arms Act	27/05/2013 04/04/2015 17/11/2012	Under trial Acquitted on 09/03/2016 Acquitted on 02/03/2013
4.	Rohit @ Rahul **(A-7)**	**243/11** **325/11`**	**PS Najafgarh** **PS Najafgarh**	392/174A/34 IPC 307/386/454 IPC & 25 Arms Act	Not known Date of cognizance 17/04/2012	Acquitted on 13/11/2014. Acquitted on 20/11/2018.
5.	Naresh Pehlawan **(A-8)**	i) 415/11	Narnaud, Hissar	302/148/149/216 IPC & 25 Arms Act	17/11/2012	Acquitted on 02/03/2013
6.	Jagdeep @ Sonu **(A-11)**	415/11	PS Narnaud, Hisar	302/148/149/216 IPC & 25 Arms Act	Date of charge- 26/11/2012	Acquitted on 02/03/2013.

51. As per the case of prosecution, the gang mainly pertains to accused Manoj @ Morkheri (A-1) and he was the kingpin of this gang. He was running his organized crime syndicate along with other accused persons. In case bearing FIR no. 12/10, PS Mangliawas, u/s 395/34 IPC & FIR no. 135/13, PS Alipur, u/s 186/353/307/34 IPC, the cognizance was taken within 10 years prior to invocation of MCOCA. The nature of cases is such that existence of some organized syndicate must be there. The case bearing FIR No. 12/10, PS Mangliawas relates to dacoity, while the case bearing FIR no. 135/13, PS Alipur pertains to police encounter. Such kind of cases are clearly manifestation of organized crime syndicate in work. In one more case bearing FIR no. 497/11, there are seven accused persons namely Manoj @ Morkheri (A-1), Ishwar Pandit (A-5), Dheeraj @ Dheerpal (A-6), Rohit @ Rahul (A-7),

Naresh Pahalwan (A-8), Anil @ Ganja (A-9) & Jagdeep @ Sonu (A-11). That case pertains to Section 364A IPC read with Section 120B & 34 IPC. The nature of that case is also reflective of organized crime syndicate in place. So, the basic requirement of provisions of Section 3 (1) of the MACOCA is fulfilled in accordance with law laid down in case titled as State of Maharashtra Vs. Shiva @ Shivaji Ramji Sonawane & Ors., Criminal Appeal no. 458-460 & Criminal Appeal no. 461-464 of 2009 of Hon'ble Supreme Court as the abovesaid seven accused persons are found involved in third substantive offence which is still pending trial and the accused persons had committed the same being the members of organized crime syndicate for the purpose of pecuniary benefit or undue economic or other advantages.

52. As regards the other accused persons namely Arun @ Kala (A-2), Sumit @ Sam (A-3) & Jitender Dixit @ Bantu (A-4), whether they can be considered as member of organized crime syndicate or not, Section 18 of MCOCA is of very much importance. Accused Anil @ Ganja has disclosed in his confessional statement dated 05/05/2016 that in 2011, he along with Manoj Morkheri, Jitender @ Bantu Sohti, Rajesh Bharti, Sandeep Ladrawan, Sumit @ Sam, Pravesh Grewal and Arun Morkheri had kidnapped one boy from Dhaula Kuan and demanded a ransom of Rs. 35 lakhs in order to release him. He further disclosed that Rs. 7 lakhs each were received by him, Rajesh Bharti and Arun, Rs. 3 lakhs by accused Sam and Rs. one lakh each were given to Sandeep and Jitender by Manoj Morkheri & rest of the money was kept by Manoj Morkheri. He further disclosed that in 2011, he along with his associates Manoj Morkheri, Jyoti Najafgarh, Dheerpal @ Bagdi, Dheerpal @ Kana, Sam,

Machar Najafgarh, Joginder Najafgarh, Pradeep @ Babu Nangal Deval etc. had abducted a lecturer from PDM college, Bahadurgarh and had taken a ransom of Rs. 19-20 lakhs for releasing him and out of the said amount, Rs. 4 lakhs were received by Dheerpal Bagdi, 3.5 lakhs were received by him and rest of the money was kept by Manoj. In his disclosure statement, accused Anil @ Ganja had disclosed that in 2010, he along with Arun & Amit @ Mitchu had snatched/robbed one Carola vehicle from Gurgaon. Accused Manoj @ Morkheri has also disclosed in his confessional statement and disclosure statement that in March 2011, he along with his associates namely Arun Morkheri, Rajesh Bharti Kandela, Anil Ganja, Sumit @ Sam, Pravesh Grewal, Sandeep Chhikara Ladrawan and Jitender Dixit @ Bantu had abducted the son of Rana Sariyawala and had extorted Rs. 35 lakhs, which was distributed between him and his aforesaid associates. He also disclosed that in 2011, he along with his associates namely Joginder Najafgarh, Jyoti Gautam Behrod, Anil Ganja, Dheerpal @ Bagdi, Sam, Dheerpal @ Kana, Sunil @ Lala Noona Majra, Sonu @ Machar Najafgarh had abducted one lecturer of PDM college Bahadurgarh and extorted Rs. 20 lakhs which were distributed by him with his aforesaid associates. He further disclosed that in 2010, he along with his associates Mangal, Arun, Jyoti & Jitender had abducted owner of one petrol pump and had extorted Rs. 7 lakhs, out of which, Arun, Jyoti & Jitender were given Rs. 1.5 lakh each as their share and one lakh were given to Mangal and rest of the amount was kept by him. He further disclosed that thereafter he along with his associates namely Sumit @ Sam, Naveen, Ajender Narela had committed murder of one Sushil, resident of Narela. Accused Pravesh Grewal has disclosed in his confessional statement that in 2009, while he was studying in Moti Lal Nehru College, he developed friendship with accused Anil @ Ganja who was his senior, to whom, accused Sumit @ Sam and Manoj Morkheri used to visit. He further disclosed that one day Manoj Morkheri and Sumit @ Sam had asked him whether there was any wealthy businessman in his village whom they can abduct and demand ransom for letting him go. He further disclosed that he told them about his friend Paramvir Rana, whose father was having business of sariya and thereafter he, Anil @ Ganja, Manoj @ Morkheri, Sumit @ Sam and Rajesh Bharti had planned to abduct Paramvir Rana and in March 2011, Paramvir Rana was abducted,whose information was telephonically given by him to his associates and who was let off after taking ransom of Rs. 35 lakhs, though Rs. 3 crores were demanded. Accused Dheerpal @ Deepak had also disclosed in his disclosure statement about kidnapping of one lecturer of PDM College along with his associates Manoj Morkheri, Anil Ganja, Jyoti @ Baba Najafgarh, Dheerpal @ Kana, Sumit @ Sam, Jai Bhagwan Nangal Devat, Pradeep @ Bablu Nangal Devat, Sunil @ Lala Noona Majra, Sonu @ Machar Najafgarh, Joginder @ Sonu @ Dhodu Najafgarh, Gautam Behrod Rajasthan, Manoj Najafgarh, Sandeep Nuna Majra and that Rs. 20 lakhs were demanded for his released, which were distributed between him and his associates. Accused Sumit @ Sam had disclosed in his disclosure statement that in 2010, he along with his associate Manoj Morkheri and Naveen Khatri had committed murder of one Sushil, resident of Narela. He further disclosed about kidnapping of one boy of Rana Sariyawala in March 2011 along with his associates Manoj Morkheri, Arun Morkheri, Rajesh Bharti Kandela, Anil Ganja, Pravesh Grewal, Sandeep Chhikara and Jitender Dixit @ Bantu Sohti qua release of whom Rs. 35 lakhs were demanded and he received Rs. 3 lakhs as his share. He further disclosed about kidnapping of one lecturer of PDM College Bahadurgarh along with his associates Manoj Morkheri, Anil Ganja, Jyoti Najafgarh, Dheerpal @ Bagdi, Dheerpal @ Kana Khedi, Jai Bhagwan Nangal Devat, Pradeep @ Bablu Nangal Devat, Sunil @ Lala Noona Majra, Sonu @ Machar Najafgarh, Joginder @ Sonu @ Dhodu Najafgarh, Gautam Behrod Rajasthan, Manoj Najafgarh, Sandeep Noona Majra etc. in March 2011. He further disclosed that Rs. 20 lacs were demanded to release the said person , in which case he has already been acquitted. He further disclosed that in the year 2011, he along with his associate Arun Morkheri had snatched/robbed one fortuner at the point of pistol from Vasant Kunj area, in which case he has already been acquitted. He further disclosed that in 2011, he along with his associates Arun and Rajesh Kandela had snatched/robbed one fortuner from PS Vasant Kunj area on the point of pistol. He further disclosed that in 2011, he along with his associates Arun, Jyoti and Anil Bhandari had committed murder of Sarpanch of village Naya Gaon, Bahadurgarh, Haryana. He further disclosed that in 2011, he along with his associate Arun and Rajesh Bharti had committed robbery of one Nissan Micra car from Palam Vihar, which was later on recovered from Arun. He further disclosed that in 2011, he along with his associates namely Arun, Rajesh Bharti and Jyoti had snatched one Swift car at the point of pistol from Civil Hospital, Sonipat. Accused Jitender @ Bantu had disclosed in his disclosure statement that in 2007, he along with his associates Sandeep Chikara (ladrawan), Sumit (Nahari) and Jitender (Dabodha) had looted one 10 tyred truck from the area of PS Kharkhoda. He further disclosed that in March, 2011, he along his associates Manoj Morkheri, Arun Morkheri, Rajesh Bharti Kandela, Anil Ganja, Sumit @ Sam, Pravesh Grewal and Sandeep Chikara Ladrawan had abducted son of Rana Sariyawala and had extorted Rs. 35 lakhs and Manoj Morkheri, Rajesh Bharti Kandela, Anil @ Leela @ Ganja and Arun had received Rs. 7 lakhs each, Sumit @ Sam was given Rs. 3 lakhs & he and Sandeep Ladrawan were given Rs. one lakh each. Accused Arun @ Kala had disclosed in his disclosure statement that he along with his associates Manoj, Rajesh Kandel, Jyoti and Sam had snatched a swift car at the point of pistol from GT Karnal road. He further disclosed that He along with his associates Sam, Manoj and Rajesh Kandela had snatched one Fortuner car from in front of Radisson Hotel. He further disclosed that in March 2011, he along with his associates Manoj Morkheri, Rajesh Kandela, Anil Ganja and Sumit @ Sam had kidnapped one Paramveer son of Rana Sariya Wale. The disclosure statements of co-accused persons gets matched with the actual position of the case. Though the charge-sheets of those cases have not been filed, but in this regard, the submission of ld. Prosecutor that it is not necessary that each and every accused shall participate in each and every offence, they may be independently on the direction of organized crime syndicate may commit even individual offences as members of the crime syndicate, is acceptable. Though, the evidence is of feeble nature against these accused persons, but for the purpose of framing charges, the same is sufficient.

53. In view of aforesaid discussion, I am of the considered opinion that accused Manoj @ Morkheri (A-1), Ishwar Pandit (A-5), Dheeraj @ Dheerpal (A-6), Rohit @ Rahul (A-7), Naresh Pahalwan (A-8), Anil @ Ganja (A-9) & Jagdeep @ Sonu (A-11) appear to be members of the organized crime

syndicate.

54. There is nothing on record to show that accused Manoj @ Morkheri (A-1) or his brother or any other family member or any relative gained any property in their name on behalf of the aforesaid crime syndicate, as claimed by the prosecution on the basis of statements of Manoj Mann and Rakesh Kumar. The said bald statements cannot be considered in absence of any documentary proof that any such property is registered in the name of accused Manoj @ Morkheri (A-1) or his brother or his other family member or any relative.

54.1. As regards the alleged recovery of aforesaid Toyota Fortuner bearing registration no. DL-8CAK-9559 at the instance of accused Rohit @ Rahul (A-7) from the residential premises of accused Anil @ Ganja {A-9 (since P.O.)}, as per prosecution, it was purchased by one Pramod Kumar at the behest of Sunil @ Lala, brother of accused Anil @ Ganja {A-9 (since P.O.)}. From the said Pramod Kumar recorded u/s 164 Cr.P.C., it is evident that he is the registered owner of the said vehicle. Much credence cannot be given to statement u/s 164 CrPC since accused Anil @ Ganja is not the registered owner of the said vehicle. Moreover, no reference has been given qua the money being handed for purchase of this vehicle.

54.2. In view of the aforesaid, there is no admissible material on record to frame charge for the offence u/s 5 of MCOCA against the accused persons.

55. As regards accused Pravesh Grewal, there is no case against

him. He was not involved in any other case, though there was allegation that he was involved in case FIR no. 47/11. It is admitted case that he was acquitted in that case prior to invocation of MCOCA. So, at the time of invocation of MCOCA, there was no case pending trial against him. Though as per Section 18 of MCOCA, disclosure statement also becomes relevant, but blind reliance cannot be placed on such disclosure statement. Unlike other accused persons, wherein the disclosure statements also got supporting evidence by their involvements in the alleged offences, though their charge-sheet have not been annexed with the present case, but the case of the present accused Pravesh Grewal is completely different. Herein, disclosure becomes meaningless as there is no co-relation with the offences related to him. So, his case is differentiated from the co-accused persons namely Manoj @ Morkheri (A-1), Ishwar Pandit (A-5), Dheeraj @ Dheerpal (A-6), Rohit @ Rahul (A-7), Naresh Pahalwan (A-8), Anil @ Ganja (A-9) & Jagdeep @ Sonu (A-11), who have been held as members of Organized Crime Syndicate. Statement u/s 18 of MCOC Act is not of much relevance in the absence of any co-relating involvement. In this regard, reliance can be placed on the judgment of Hon'ble Supreme Court of India in the case of **State of Maharashtra Vs Shiva @ Shivaji Ramaji Sonawane & Ors. , Criminal Appeal Nos. 458-460 of 2009 with Criminal Appeal Nos. 461-464 of 2009, date of decision:- 24/07/2015.** Accordingly, **accused Pravesh Grewal is discharged in this case.**

56. In view of the aforesaid discussion, **offences u/s 3 (1) (II) of MCOC Act & u/s 4 of MCOC Act is made out against accused Manoj @**

Morkheri (A-1), Arun @ Kala (A-2), Sumit @ Sam (A-3), Jitender Dixit @ Bantu (A-4), Ishwar Pandit (A-5), Dheeraj @ Dheerpal (A-6), Rohit @ Rahul (A-7), Naresh Pahalwan (A-8), Anil @ Ganja (A-9) & Jagdeep @ Sonu (A-11).

57. Accused Arun @ Kala (A-2) is found involved in murder case bearing FIR No. 215/10, PS City Bahadurgarh, u/s 302 IPC, wherein he has been sentenced to life imprisonment. Accused Naresh Pahalwan (A-8) is found involved in one murder case bearing FIR no. 463/16, PS Narnaud, u/s 302/34 IPC, which is pending trial and accused Anil @ Ganja (A-9) is found involved in murder cases i.e. bearing FIR No. 594/12, PS Sadar Bahadurgarh, u/s 148/149/302/120B IPC & u/s 25 Arms Act, wherein he has been convicted and FIR no. 264/14, PS IGI Airport, u/s-302/120B/34 IPC & u/s 25 Arms Act, which is pending trial. Accused Jagdeep @ Sonu (A-11) is found involved in murder cases bearing FIR no. 463/16, PS Narnaud, u/s 302/34 IPC & 25 Arms Act, which is pending trial & FIR No. 28/17, PS-Barwala, u/s-302/120B/34 IPC & U/s 25 Arms Act, which is pending trial. **Therefore, a prima facie case for the offences u/s 3 (1) (I) of MCOC Act is also made out against them.**

58. **Separate charge u/s 174A IPC is also made out against accused Anil @ Ganja (A9) & Jagdeep @ Sonu (A-11) as they were declared P.O. and were subsequently arrested.**

59. In view of the aforesaid discussion, I do not found any ground to grant bail to accused Rohit @ Rahul. Accordingly, his bail application is dismissed.

60. Put up on **05/04/2022** for framing of charge against the aforesaid accused persons. **Issue production warrants against the accused persons who have not been produced from J.C. today for the said date.**

Announced in the open Court
On 9th of March 2022

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:**09/03/2022(A)**