J.O. CODE : WB 00719   CNR NO. : WBBD01-000627-2019

District : South 24 Parganas.

IN THE COURT OF CBI SPECIAL JUDGE

1ST Court, Alipore, South 24 Parganas.

Date of Judgement- 22.12.2025

Present : Shri Viswaroop Sett,
Special Judge, CBI Court No. 1
Alipore, South 24 Parganas

RC Case No. 03 of 2010
Special Case No. 07 of 2010

Central Bureau of Investigation .... The Prosecution.

-Vs.-

R P Singh …… The accused persons.

Trial held for the offence Under Section 7, Section 13(1)(d) and Section 13(2) of Prevention of Corruption Act, 1988.

For the Prosecution : Ld. Advocate D N Pandey
For the Accused Persons : Ld. Advocate Sanjay Bose

J U D G E M E N T

Facts :

The FIR reveals that Rose Valley Group of Companies dealt with Industry, IT and ITES, Life and General Insurance, Tours and Travels, Media Services, Manufacturing and Marketing of FMCG Products, Hotels, Resorts, Amusement Parks with major thrust in Real Estate Development and Construction.

The facts, as revealed in the FIR, are that the accused, being the Assistant General Manager, SEBI, Kolkata, issued a letter on 08.01.2010 to the de-facto complainant, Shri Gautam Kundu, who was the Director of M/s Rose Valley Group of Companies having its registered office at VIP Road, Kolkata, asking for furnishing a number of documents relating to their business.

In response to such letter the M/s Rose Valley Group of Companies had asked for 15 days' time to furnish the required documents by their office letter number RV/SEBI/DOC/A2492/09-10 dated 22.01.2010. According to the FIR, Mr R P Singh called the de-facto complainant Gautam Kundu in person at Hotel Hindustan International, Kolkata around 7:30 PM on 19.01.2010 and asked for a bribe of Rs. 25 Lakhs immediately. The accused person threatened to close down the business of M/s Rose Valley Group of Companies if the bribe is not paid and also threatened to initiate proceedings against the company. On 22.01.2010 the accused person R P Singh again repeated his demand for paying the bribe amount. On 30.01.2010 the de-facto complainant talked with him in the evening and tried to convince him that the company is not a defaulter in any manner whatsoever. However, the accused repeated his demand and asked him to pay the bribe amount on 31.01.2010 afternoon. He advised the de-facto complainant to call him up on 31.01.2010 after 1:00PM on mobile number 9433074712 when he would intimate the exact venue for receiving the bribe amount and also threatened with dire consequences if the bribe is not paid. In the premise the de-facto complainant has expressed that he is not willing to pay the amount of bribe which is substantial in quantity and requested the CBI to take appropriate steps against the accused R P Singh. Hence, the birth of this case.

On the basis of the FIR, a case bearing No. RC0102010003 was started under Section 7 of Prevention of Corruption Act on 19.01.2010. After due investigation of the case, the CBI submitted Charge Sheet bearing No. 24/2010 dated 12.08.2010 under Section 7, Section 13(1)(d) and Section 13(2) of Prevention of Corruption Act, 1988 against the aforementioned accused person. The Ld. Court, on perusal of the materials on record and the Sanction Order passed by Chief General Manager, SEBI, Mumbai bearing number 15018/2010 dated 04.08.2010, was pleased to **frame Charges under Section 7, Section 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988** to which the accused person pleaded <u>not guilty</u> and claimed to be tried. Thus, the accused person faced trial under Section 7, Section 13(1)(d) and Section 13(2) of Prevention of Corruption Act, 1988.

<u>Oral Evidence</u>

In order to prove the aforesaid case, the prosecution had examined the following oral witnesses :

Sl. No.	Name of the Witnesses	Identity of the witnesses
1.	Amarjeet Singh (PW-1)	Sanctioning Authority/CGM of SEBI
2.	Bimal Chandra Purkait (PW-2)	Expert/ Director of CFSL Kolkata
3.	Rakesh Kumar Kundan (PW-3)	Unrelated Witness/ Assistant Manager (Law), MSTC Limited
4.	Mayur Dimri (PW-4)	Unrelated Witness/Deputy Manager, (Marketing), MSTC Limited
5.	Gautam Kundu (PW-5)	De-facto Complainant
6.	Dhrubajyoti Sengupta (PW-6)	Auditor of Rose Valley Group
7.	Partha Ghosh (PW-7)	Assistant Accountant of Rose Valley
8.	Nagendra Prasad (PW8)	Trap Laying Officer
9.	Amita Samanta (PW-9)	Employee of Calcutta Telephone Mobile
10.	Jayanta Jash (PW-10)	General Manager, SEBI, Kolkata (ER)
11.	Samrat Dutta (PW-11)	AGM, SEBI, Kolkata
12.	Ajay Adhikary (PW-12)	CBI Inspector
13.	Sujoy Das (PW-13)	CBI Inspector
14.	Ashish Prasad (PW-14)	Trap Team Member
15.	Kamal Acharya (PW-15)	Cashier at Super Snacks Bar
16.	Debashish Chowdhury (PW-16)	I O

<u>Documentary Evidence</u>

Sl. No.	Exhibit Number	Description of articls
1.	Exhibit 1	Sanction Order
2.	Exhibit 2	Report of CFSL
3.	Exhibit 2/1	Signature of Director CFSL
4.	Exhibit 3	Signature of PW-2 on bottle ‘A’
5.	Exhibit 4	Signature of PW-2 on bottle ‘B’
6.	Exhibit 5	Signature of PW-2 on bottle ‘C’

7.	Exhibit 6	Signature of PW-2 on Red Cloth parcel ‘D’
8.	Exhibit 7	Signature of PW-3 on Pre Trap Memo
9.	Exhibit 7/1	Signature of PW-4 on the Pre Trap Memo
10.	Exhibit- 7/2 Collectively	Signatures of PW-5 on the Pre Trap Memo
11.	Exhibit- 7/3	Pre Trap Memo
12.	Exhibit- 7/4 Collectively	Signatures of PW-8 on the Pre Trap Memo
13.	Exhibit- 7/5 Collectively	Signatures of PW-14 on the 25 sheets of pre trap memo
14.	Exhibit 8	Seizure List dated 31.01.2010
15.	Exhibit 9	Cash Memo (Replaced by photocopy)
16.	Exhibit 9/1	Signature of PW-3 on the Cash Memo
17.	Exhibit- 9A	Photocopy of Cash Memo
18.	Exhibit 10	Signature of PW-1 on Sketch Map
19.	Exhibit-10/1	The signature of PW-4 on the rough sketch map of the PO.
20.	Exhibit- 10/2	Site Plan
21.	Exhibit 11 (Series)	Signature of PW-3 on the Post Trap Memo
22.	Exhibit 11	Signature of PW-4 on the facsimile brass seal.
23.	Exhibit-11/1	Sheet of specimen seal and signatures.
24.	Exhibit-11/2 Collectively	Signatures of PW-14 on the 24 sheets of annexure of pre trap memo.
25.	Exhibit- 11/3	Signature of PW-14 on the facsimile.
26.	Exhibit 12	Signature of PW-4 on the Search List dated 31.01.2010
27.	Exhibit- 12/1 Collectively	Signatures of PW-5 on the Search List
28.	Exhibit- 12/2 Collectively	Signatures of PW-8 on the seizure memo.
29.	Exhibit- 12/3	Search List 31.01.2010

30.	Exhibit-13	Signature of PW-4 on the trap laying and post trap memo.
31.	Exhibit- 13/2 A Collectively	Signatures of PW-5 on the Post Trap Memo
32.	Exhibit- 13/2	Post Trap Memo
33.	Exhibit- 14	Written Complaint along with annexure.
34.	Exhibit- 14/1	Endorsement on written complaint.
35.	Exhibit- 15	Formal FIR
36.	Exhibit-16 Collectively	Call Record Details
37.	Exhibit-17	Application form containing 02 pages.
38.	Exhibit- 17/1	Production cum seizure memo dated 23.03.2010
39.	Exhibit- 18 Collectively	Signatures of PW-10 on the Seizure List dated 31.10.2010
40.	Exhibit-18/1 Collectively	Two signatures of PW-11 on the search list dated 31.01.2010
41.	Exhibit-18/2	Search list dated 31.01.2010
42.	Exhibit-19 Collectively	1 to 256 pages of file.
43.	Exhibit 19/1	04 pages of letter dated 07.12.2009
44.	Exhibit-19/2	Letter and note of Executive Director
45.	Exhibit-19/3 Collectively	Signatures of PW-10, R P Singh, Mr. Jivan, Mr. Baidyanathan on letter of SEBI dated 17.12.2009
46.	Exhibit- 19/4	Letter dated 08.01.2010
47.	Exhibit- 19/5	Letter dated 08.01.2010
48.	Exhibit- 19/6	Letter dated 08.01.2010
49.	Exhibit- 19/7	Letter dated 22.01.2010
50.	Exhibit- 19/8	Letter dated 22.01.2010
51.	Exhibit- 19/9	Signatures of PW-10 on the Seizure

		Memo dated 02.03.2010
52.	Exhibit-19/9/1	Production cum seizure memo dated 02.03.2010
53.	Exhibit-20	Copy of Order dated 24.12.2002
54.	Exhibit- 21	Ten pages of Winding Up Report of Rose Valley Group of Companies.
55.	Exhibit- 22	Xerox copy of letter dated 13.02.2010
56.	Exhibit- 23	Letter dated 04.02.2010
57.	Exhibit-24 Collectively	Forwarding letter dated 22.03.2010 along with annexure total 18 pages.
58.	Exhibit- 25	Another forwarding letter dated 29.03.2018 along with anexure total 13 pages.
59.	Exhibit-26	The seizure memo dated 12.02.2010
60.	Exhibit- 26/1	Seizure memo dated 12.02.2010
61.	Exhibit- 26/2	Seizure memo dated 13.02.2010
62.	Exhibit-27	Seizure memo dated 17.02.2010
63.	Exhibit-27/1	The letter of R P Singh dated 08.01.2010
64.	Exhibit- 28	Production cum seizure memo dated 03.03.2010
65.	Exhibit- 28/1	Original Cash Voucher dated 30.01.2010, No. Y1712
66.	Exhibit- 28/2	Certified copy of daily cash sheet dated 30.01.2010
67.	Exhibit- 29	The letter of the Nodal Officer Airtel

Sl.No.	**Mat Exhibit**	**Drescription of articles**
1.	Mat Exhibit-I	Bottle ‘A’
2.	Mat Exhibit-I/I	Signature of PW-3 on bottle ‘A’
3.	Mat Exhibit-II	Bottle ‘B’
4.	Mat Exhibit-II/I Series	Signature of PW-3 on the bottle ‘B’

5.	Mat Exhibit-III	Bottle ‘C’
6.	Mat Exhibit-III/I	Signature of PW-3 on bottle ‘C’
7.	Mat Exhibit-IV	Packet Marked ‘D’
8.	Mat Exhibit-IV/I	Signature of PW-3 on the cloth cover
9.	Mat Exhibit-V	Transparent envelope which containing all these G C Notes along with 13 sheets.
10.	Mat Exhibit-V/I Series	Signature of PW-3 on every pages of Mat Exhibit-V
11.	Mat Exhibit-VI	Bundle amounting Rs. 25 Lakhs
12.	Mat Exhibit-VII	Paper kept inside Dell bag having signatures of trap team members
13.	Mat Exhibit-VII/I	Signature on Mar Exhibit-VII
14.	Mat Exhibit-VIII	‘Del’ marked handy bag
15.	Mat Exhibit-VIII/I	Red cloth kept inside the bag
16.	Mat Exhibit-IX	Nokia Mobile, Model N-95
17.	Mat Exhibit-IX/I	Signature on Mat Exhibit-IX
18.	Mat Exhibit-X	Nokia Mobile Phone

The **defence case**, as made out, from the cross-examination and examination of the accused persons u/s. 313 Cr.P.C is simple denial of prosecution case and plea of innocence.

: POINTS FOR CONSIDERATION :

1) Did the accused person being a public servant accept any undue advantage with the intention to perform public duty improperly or dishonestly or caused forbearance to perform such duty as public servant? Was the prosecution able to prove the demand of Rs. 25 Lakhs by the accused, as alleged?

2) Did the accused person being a public servant has, at any time during the period of his office obtained any valuable thing or pecuniary advantage or had abused his position as a public servant by doing so? Was the prosecution able to prove the acceptance of Rs. 25 Lakhs by the accused, as alleged?

3) Was the accused person able to rebut the presumption u/s 20 of the P C Act, 1988 for the allegation u/s 7 of the Act?

4) Is the accused guilty u/ss 7 and 13(1)(d) of the P C Act, 1988 and punishable under Section13(2) P C Act, 1988?

DECISION WITH REASONS

Section **7** of Prevention of Corruption Act, 1988 reads as under :-

"**Offence relating to public servant being bribed -** Any public servant who,

(a) obtains or accepts or attempts to obtain from any person, an undue advantage, with the intention to perform or cause performance of public duty improperly or dishonestly or to forbear or cause forbearance to perform such duty either by himself or by another public servant; or

(b) obtains or accepts or attempts to obtain, an undue advantage from any person as a reward for the improper or dishonest performance of a public duty or for forbearing to perform such duty either by himself or another public servant; or

(c) performs or induces another public servant to perform improperly or dishonestly a public duty or to forbear performance of such duty in anticipation of or in consequence of accepting an undue advantage from any person, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.

Explanation 1.—For the purpose of this section, the obtaining, accepting, or the attempting to obtain an undue advantage shall itself constitute an offence even if the performance of a public duty by public servant, is not or has not been improper. Illustration.—A public servant, 'S' asks a person, 'P' to give him an amount of five thousand rupees to process his routine ration card application on time. 'S' is guilty of an offence under this section.

Explanation 2.—For the purpose of this section,— (i) the expressions "obtains" or "accepts" or "attempts to obtain" shall cover cases where a person being a public servant, obtains or "accepts" or attempts to obtain, any undue advantage for himself or for another person, by abusing his position as a public servant or by using his personal influence over another public servant; or by any other corrupt or illegal means; (ii) it shall be immaterial whether such person being a public servant obtains or accepts, or attempts to obtain the undue advantage directly or through a third party.."

Section 13(1)(d) and Section 13(2) of Prevention of Corruption Act, 1988 reads as under :-

13. “Criminal misconduct by a public servant. —

(1) A public servant is said to commit the offence of criminal misconduct,

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in section 7; or

(b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or

(d) if he, —

(i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or

(e) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation. —For the purposes of this section, "known sources of income" means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant.

(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine."

Arguments:

(a) *By Prosecution*

Before dealing with the ratiocinated decision vis-a-vis the facts of the case, I find it worthwhile to deal with the arguments put forward by either sides of the case. The prosecution while arguing tried to put up a water tight evidence adducing case. According to the Ld. PP as many as 16 witnesses were examined, 29 documents and 10 material objects were admitted into evidence. According to the Ld. PP the trap procedure starts with lodging of FIR, pre-trap formalities like tainting the notes with phenolphthalein powder, demonstration, choosing of shadow witness and the trap witness who is primarily the complainant. The demonstration consisted of holding one of the tainted object by the demonstrator and dipping his hand inside milky white sodium carbonate solution and showing that the milky white solution turned pink. The post-trap formalities consists of laying of trap at the place of occurrence chosen by the accused, acceptance of the bribe by the accused, signal by the trap witness, following up by the trap team and arrest of the accused.

In the instant case, allegedly, there are two independent witnesses working in MSTC Limited having their registered office at 225-C A J C Bose Road, Kolkata-700 020 as Assistant Manager (Law) and Deputy Manager (Marketing) who were shadow witness and eye-witness sitting at table number

2 and table number 3 respectively. They had stated what they had heard and saw when the trap was laid at Super Snacks Bar. The facts stated by PW-5, the complainant has been exactly corroborated by PW-2 and PW-3 who are unrelated witnesses. The tainting by phenolphthalein powder and turning the sodium carbonate solution into pink colour when the accused person was made to dip his hands in the solution - has been told by all the trap laying members including the independent witnesses. There are no major contradictions. The time as stated by the witnesses and the CDR sheets marked Exhibit-16 and Exhibit-24 totally corroborate the statement of the witnesses and the case has been proved to the hilt and the accused person deserves highest punishment.

Argument by Defence:

There are several legs of argument by the defence which needs to be discussed serially:-

(1) **Firstly**, the Sanction Order has been questioned by the defence. During cross examination PW-1 has admitted that he did not inquire the accused R P Singh and he did not go through the documents from Rose Valley which was refused to be accepted by R P Singh. Hence, the sanction is not valid.

(2) **Secondly**, he draws the attention of the Ld. Court towards the deposition of PW-10 who happens to be the General Manager of SEBI. He states that since 2002 the Rose Valley was collecting money from the public without having any registration from SEBI although it is mandatory u/s 11AA of the SEBI Act. He also points out to Exhibit-21 (a letter dated 22.01.2003) which shows the winding up of Rose Valley Group and refund to the creditors. According to the Ld. Defence Counsel the Rose Valley Group again started collecting money under CIS Scheme in 2009 and finally on 08.01.2010 R P Singh/accused sent a letter asking for a few business related documents of Rose Valley Group. According to Defence Counsel if the accused person was interested to settle the matter by taking bribe he could have easily done so in the year 2002 as because PW-10 has admitted that the CIS file was dealt with by R P Singh in the year 2002.

(3) **Thirdly**, he points out to another section of PW-10's cross examination where he has admitted that during his tenure as Regional Manager he did not come across any complaint against R P Singh. Therefore, his good character is relevant under Section 53 of the Evidence Act.

(4) **Fourthly**, according to PW-10's admission in cross examination a letter was sent by the Company Secretary of Rose Valley Group dated 22.01.2010 asking for 15 days' time to furnish the documents. If, according to the Ld. Defence Counsel this letter is placed besides the deposition of the complainant it would appear the statement that R P Singh called him personally at Hotel Hindustan International asking for bribe of Rs. 25 Lakhs, is without basis because if bribe has been asked for, there is no reason asking for time to produce documents as per letter dated 22.01.2010 marked <u>Exhibit-19/8.</u> Besides, PW-10 has stated that, if any, subordinate officer refused to accept any complaint he has the right to meet him but no person of Rose Valley Group ever met him. Therefore, the repeated statements in the evidence of PW-5 as well as in the complaint that R P Singh, the accused, refused to see any file or document carries no basis.

(5) **Fifthly**, according to the defence case there is no explanation for the delay in registering the FIR and laying the trap immediately after 19.01.2010.

(6) **Sixthly**, as per statement in cross examination of PW-5 he contacted accused R P Singh at around 4 PM when he was asked to come at Super Snacks Bar at Alipore at 5:30 PM but the post-trap memo marked Exhibit-13/2 shows that the trap team already knew about the location of Super Snacks Bar at Alipore from 14:01 hrs on 31.01.2020 onward. This shows that the entire trap proceeding was pre-meditated and done with an ulterior motive to falsely malign the accused.

(7) **Seventhly**, when speaker phone of the mobile hand set of Gautam Kundu bearing number 9163324034 was kept in a loud mode and the conversation between accused R P Singh and Gautam Kundu was over heard, the same could have been recorded in another hand set or in the same mobile phone which was not done according to the Ld. Defence Counsel.

(8) **Eighthly**, the Ld. Defence Counsel points out towards a print-out of reading material on CBI Trap Proceeding where it has been pointed out if the accused person has not touched the G C Notes, no hand wash should be taken. But in the instant case the hand wash of the accused was taken even though he touched the ‘Dell’ marked bag smeared with phenolphthalein powder and opened the chain. He also points out that as per the reading material of CBI the memorandum incorporating the sequence of events of the proceeding should be prepared at the spot itself. Regarding site plan it has been pointed out that photograph or video-graph should be taken of the spot and special attention should be paid to the location of doors, windows, openings, curtains and positions. In the instant case no photo or video is taken as per defence.

(9) **Ninthly**, as per defence counsel PW-15 some CBI officers were present at the bar but no identification of the accused was done by the witness at the instance of prosecution. The Ld. Defence Counsel states that PW-15 has admitted that the situation was chaotic at Super Snacks Bar and it is not possible for the other witnesses to listen what conversation went on in between R P Singh and the complainant PW-5.

(10) **Tenthly**, the place of arrest has been shown to be in the office of the SP, CBI, ACB, Kolkata at 23:30 hrs on 31.01.2010 but he was intercepted at the Super Snacks Bar by the trap laying team as per prosecution immediately after 18:05 hrs. The delay of about 5.5 hours of arrest has not been explained.

(11) **Eleventhly**, the Defence Counsel points out that as per PW-5 Mr. Kundan gave the pre-fixed signal by scratching his head but Mr. Kundan who deposed

as PW-3 has nowhere mentioned that he scratched his own head and passed the signal of other team members. He further points out that the site plan prepared by the IO marked Exhibit-10 is not clear. It does not show the exit route or the point of interception of the accused.

(12) **Twelfthly**, PW-16, the IO has admitted that he did not examine any person of Hotel Hindustan International as per his cross examination by defence. He also admits that he did not ascertain whether Hotel Hindustan International had CCTV footage or not. PW-3 had stated in his examination in chief that the accused kept the bag on the left side of his chair and yet no swabs of the hands of PW-5, Gautam Kundu and the place where the bag was kept, were taken.

(13) **Thirteenthly**, the currency notes amounting Rs. 25 Lakhs which were smeared with phenolphthalein were not sent to CFSL. The counterfoil of the receipt of the Super Snacks Bar marked Exhibit-9 has not been brought on record.

(14) **Lastly**, the finger prints on the bag, as has been admitted by PW-2 in his cross examination, were not sent to the forensic department.

MY REASONING:

Sanction

In the instant case sanction is necessary for cognizance since the charge-sheet has been filed and charge has been framed under Section 7, Section 13(1)(d) and Section 13(2) of Prevention of Corruption Act, 1988. I would like to point out several decisions regarding sanction.

In **Balaram Swain Vs State of Orissa** [1991 CrLR (SC) 1] PW-4 who was the sanctioning authority had stated on oath that he perused the consolidated report of the vigilance and fully applied his mind and thereafter issued the sanction order. In **Bishweshwar Nath Singh Vs State of Jharkhand**, 2008 (1) East. Cr.C 562, the court has held that having gone through the testimony of PW-3, Baijnath Singh the court found that he proved the sanction letter issued by him under authority which was typed on his dictation by the typist Shri S P Singh with his signature on each sheet and seal of his office and therefore does not find any irregularity therein so as to form an opinion that the sanction order was not properly proved which occasioned a failure of justice. In **Ameer Jan Vs State of Karnataka**, 2002 (1) AICrLR 510 at page 513 it has been held that when the sanctioning authority was asked in cross examination as to who had drafted the sanction order, he has stated it was prepared under his direction and thereafter he approved it and signed it – this situation is dangerously close to grave procedural irregularity. It has also been held that the sanctioning authority has to apply his mind in facts to the case and if the case warrant sanction to prosecute then the sanction has to be accorded. As I find from the various judgments of the Hon'ble Supreme Court, the thumb rule is that if the error omission or irregularity has resulted in the failure of justice, the sanction order becomes a nullity.

In the light of the aforesaid decisions the evidence of PW-1 Amarjit Singh needs to be examined. As it appears from his address given in the deposition sheet and Exhibit-1 which is a sanction letter it appears that he is the Chief General Manager of SEBI Mumbai. It further appears, from **Exhibit-19/4** a letter sent by R P Singh to Gautam Kundu and **Exhibit-20** which is an order along with a forwarding letter dated 31.12.2002, that R P Singh was working in SEBI, Kolkata Eastern Regional Office. PW-1 has stated in his deposition that he had accorded the sanction after perusal of all relevant documents namely the pre trap memo, the post trap memo, the statement of the witnesses and other documents. So, it is proved that he had applied his mind into the facts of the case. While the sanction order was marked as Exhibit-1, no objection was raised by the defence regarding the name of the typist or any other endorsement. He had clearly stated in his examination in chief that the sanction order was prepared under his dictation. Hence, I think it is a sufficient compliance of the decision in *Balaram Swain's* case (supra), Bishweshwar Nath Singh's case and Ameer Jan's case (supra). Moreover, there is a legal maxim *omnia praesumuntur rite et solemniter acta esse donec probetur in contrarium* (all things are presumed to have been done rightly unless the contrary is proved) incorporated in Section 114, illustration (e) of Evidence Act. Therefore, in absence of cross examination, whether any internal vigilance was conducted or not by the SEBI, it would be presumed that all such official acts to be performed prior to granting of sanction has been properly done.

FIR vis-a-vis Oral Evidence

It has been argued by the defence that in the cross examination PW-5 had admitted that on 19.01.2010, General Manager of my company Shri N C Pillai got in touch with Shri R P Singh over phone with a view to discuss the content of the letter. But Mr. Singh insisted to talk to PW-5 and the accused provided his mobile phone number which was 9433074712 following the message of Mr. Singh which he received from Mr. Pillai and PW-5 contacted Mr. Singh over his mobile phone number. The Ld. Defence Counsel has also pointed out to another part of cross examination where PW-5 had deposed that Mr. Singh again contacted him over phone at about 4:00 PM and discussed about the activities of his companies. He also deposed that at about 6:20 PM, he went to the coffee shop of Hotel Hindustan International and then PW-5 contacted Mr. Singh and told him about his arrival at the hotel and at about 6:40 PM Mr Singh came there and they had a conversation regarding his companies.

Regarding these arguments the Ld. Court intends to point out towards the latest decision **Amish Devgan v. Union of India**, 2020 SCC OnLine SC 994, where it has been held by the Hon'ble Supreme Court that FIR is not an encyclopedia disclosing all facts and details relating to the offence. It has also been held that FIR is not meant to be a detailed document containing chronicle of all intricate and minute details and the FIR is not even considered to be a substantive piece of evidence and can be only used to corroborate or to contradict the informant's evidence in the court.

The cross examination of PW-5 put forward by the defence, as mentioned above, falls short of contradiction in accordance with the aforesaid decision. The function of the court is to relate the FIR with the deposition of PW-5 and the Call Detail Records marked Exhibit- 24 collectively. From the Customer Relationship Form and the related annexures it appears that the Mobile number 9163324034 belongs to Rose Valley Group of Companies and the sim card stands in the name of one Mr. Subir Shaw, Senior Accounts Manager of Rose Valley Group of Companies. It appears from Exhibit-17 that the mobile number 9433074712 belongs to R P Singh the accused.

In the FIR, the de-facto complainant has stated that consequent to R P Singh's letter dated 08.01.2010 as Assistant General Manager, SEBI asking for several documents from the Rose Valley Group, he called him personally at Hotel Hindustan International at around 7:30 PM on 19.01.2010 and asked him for bribe of Rs. 25 Lakhs at the hotel. When we relate this fact with the CDR in Exhibit-24 collectively we find that there was a call from R P Singh at 15:54 hrs to the cell number 9163324034 which lasted for 43 seconds. From Exhibit- 19 we also find that at 18:33 hrs and 18:40 hrs there were calls from mobile number 9163324034 to 9433074712 and from mobile number 9433074712 to 9163324034 which lasted for 11 seconds and 12 seconds respectively. Therefore, there was a frequent contact on 19.01.2010 in between accused R P Singh and Gautam Kundu or any functionary of Rose Valley Group. There is high probability that R P Singh had indeed called Gautam Kundu to Hotel Hindustan International. I find no reason for R P Singh to contact Rose Valley Group or Gautam Kundu in the mobile number 9163324034 especially when Exhibit- 19/4 (letter dated 08.01.2010 by R P Singh) reveals that 15 days' time has been given to furnish reply regarding Memorandum of Association, Articles of Association, Balance Sheet and Profit and Loss Account for last 03 years from 08.01.2010 etc. In the light of the documentary evidence, the cross examination of PW-16 (IO) that no CCTV footage was obtained by the IO at Hotel Hindustan

International has no legs to stand upon. It is quite natural in criminal investigation by police or by any authority, the ordinary citizens avoid to stand as witnesses. Therefore, the statement of PW-16 that he did not take any statement of any employee of Hotel Hindustan International does not weaken the prosecution case.

FIR, Trap Proceeding and CDR

The FIR states on 22.01.2010 R P Singh talked to de-facto complainant (PW-5) and repeated his demand for bribe. As per his statement he was out of Kolkata for the official purpose and he again contacted accused R P Singh on 30.01.2010 but he repeated his demand and asked to pay the bribe money positively within 31.01.2010 afternoon and he instructed to call on mobile number 9433074712 after 1 PM. PW-5 has repeated the same version in his deposition with an addendum that the accused allegedly had asked for the bribe on the day itself ie. on 30.01.2010 but on earnest request he told to pay it on 31.01.2010.

If we compare the FIR, the version of PW-5 and the CDR **(Exhibit-16 collectively)** we find that two calls were made on 22.01.2010 from R P Singh's mobile phone 9433074712 to the mobile number of Rose Valley 9163324034 handled by Gautam Kundu; one call was made at 15:54 hours which lasted for 177 seconds and the second call was made at 16:12 hours which lasted for 224 seconds. Unless there is some discussion going on *what other explanation can be given as regards the duration of the calls*? There is no evidence given by the defence that the calls were made by any person other than R P Singh. So the court presumes that the calls were made by the accused R P Singh. It is a fact, as argued by the Ld. Defence Counsel that a recording by the Service Provider would have fortified the case but that is a domain of the investigation.

Regarding the incidents that happened on 28.01.2010 PW-5 stated that he asked for two days' time and we see from the CDR **(Exhibit-16)** that there was a call by PW-5 to R P Singh's number at 12:57 PM. On 30.01.2010 we find that PW-5 has stated that he asked for two days more for paying the bribe money and we find from **Exhibit-16 (CDR of BSNL)** that there were two calls one at 18:56 hours and another at 19:11 hours lasting for 120 seconds and 72 seconds respectively from PW-5's mobile to R P Singh's number which also matches **Exhibit-19** (CDR of Airtel).

On 31.01.2010 the trap was planned according to PW-5 at around 4:00 PM when Mr. Singh disclosed the location of Super Snacks Bar at Alipore at 4:00 PM. He also told that he left CBI office at around 4:45 PM and reached at Super Snacks Bar at 5:25 PM and took seat at table number 3 together with Rakesh Kundan, the shadow witness; the rest 08 to 09 team members sat at the table number 2. When we compare this part of the deposition with the site map marked Exhibit-10, we find total corroboration since it has been drawn by PW-8 in consultation with the complainant and independent witnesses as per his (PW-8) deposition. The position of the complainant and the shadow witness is shown at one side of table number 3 in Exhibit-10 and the place of the accused with the bag is shown sitting opposite side of table number 3. The rest of the team members have been shown in table number 2. PW-5 also deposed that at 5:30 PM he contacted Mr. Singh and said he would arrive within 05 minutes. If we compare this part of deposition with the CDRs (**Exhibit-16** and **Exhibit-24 collectively)** we find that there was a flurry of a calls from PW-5's mobile number at 13:19 hours lasting for 125 seconds, at 16:01 hours lasting for 196 seconds at 17:22 hours, 17:30 hours, 17:34 hours and the last call was at 17:35 hours. The fact that there was no other call either from PW-5's mobile number to the mobile number of R P Singh or vice-versa after 17:35 hours, reaffirms his detention followed by arrest.

PW-5 had told that R P Singh arrived at 06:05 PM or 18:05 hours. He also deposed following a brief conversation in between them Mr. Singh asked for the money, took the bag, opened it, saw the tainted money and left the bar with the bag. Mr. Kundan who deposed as PW-3 also repeated the same version, he being the shadow witness. PW-5 stated that PW-3 scratched his head and gave prefixed signal to the trap team members and Mr. Nagendra Prasad (PW-8) disclosed his identity and intercepted him after challenging him for demand and acceptance of bribe of Rs. 25 Lakhs. As per PW-5, the tainted right hand of the accused (PW-8 has stated in his deposition that the black colour Dell Bag was applied in the handle of the bag and its body) were dipped in sodium carbonate solution and was kept in a bottle. He also told that Mr. Mayur Dimri tallied the numbers of the currency notes which matched and the entire team returned to the CBI office.

There is no reason to doubt the testimony of PW-5 as the timing had matched with the CDR and with the depositions of two unrelated witnesses Rakesh Kundan (PW-3)and Mayur Dimri (PW-4). PW-3 had deposed that the right hand wash and left hand wash of the accused which was pink in colour were marked as Mat Exhibit-II and Mat Exhibit-III respectively. The bag was marked as Mat Exhibit-VIII.

PW-2, the expert, had deposed that he examined the three bottles marked Mat Exhibit-I, Mat Exhibit-II and Mat Exhibit-III and got phenolphthalein, sodium carbonate and water in each of the sample of each bottles. He further said that he opened the 'Dell' marked handy bag and prepared 25% solution of sodium carbonate and by that solution he took cotton swab and smeared it on the different parts of handy bag; the cotton swab turned pink. These proves the presence of phenolphthalein powder on the bag. So the deposition of PW-3, PW-4 and PW-5 bears credence and is proved to the hilt. Each of these witnesses inspire confidence in the mind of the Ld. Court, especially so, because PW-3 and PW-4 is Assistant Manager (Law) in MSTC Limited and Deputy Manager (Marketing) in MSTC Limited respectively. They have no connection with CBI and there is no reason why CBI would side with PW-5, the de-facto complainant when a number of cases is pending against him and he had been produced from custody in another case as per order number 59 dated 04.07.2017.

Character Evidence

It is a settled law that character evidence is a very weak evidence. The defence emphasizes on the deposition of PW-10 Jayanta Jash, the General Manager of SEBI, who had deposed that during his tenure as Regional Manager of SEBI, Eastern Region he did not come across any compliant against R P Singh. In another part of cross examination he stated that he went for a training programme in Company Secretary's office during the period when the trap was laid but no such evidence or alibi has been adduced by the accused.

Pre Trap and Post Trap Memorandum

There was no defect pointed out by the defence regarding pre trap memorandum. The pre trap memorandum primarily consists of the preparation of the trap on 31.01.2010 marked Exhibit-7/3 by which the de-facto complainant-cum-trap witness, the shadow witness Rakesh Kundan and Mayur Dimri were demonstrated regarding the procedure of laying trap which consist of smearing the currency notes and bag with phenolphthalein powder and washing the hands of the demonstrator in sodium carbonate solution which turned pink. The demonstrator Ashish Prasad, examined as PW-14, deposed that during practical demonstration he smeared the first and last note of each 25 bundles of 100 G C notes of Rs. 1000/- each and also the body of the Del bag with phenolphthalein powder. He also deposed that after touching the bag and the notes the sodium carbonate solution in water turned pink and it was marked bottle 'A' and Mat Exhibit-I in the court. The entire pre trap proceeding was typed in office computer as per his deposition and admitted into evidence as **Exhibit-7/3.** There is no major cross examination except denial. I do not find any reason to disbelieve PW-14. His credit worthiness has not been impeached at all. The same deposition has been repeated PW-3, PW-4, PW-5 and PW-8.

Regarding the Post Trap Proceedings PW-5 has already stated in detail as to how the trapped accused asking for the bribe of Rs. 25 Lakhs had carried the tainted bag with tainted G C notes. The version of PW-5 has been repeated by PW-3 and PW-4 without any variance. PW- 8 had also repeated the same version. I find no reason to disbelieve the testimony of the aforesaid witnesses. The only defect in the Post Trap Memo marked Exhibit-13/2 is that the time of post trap proceeding has been mentioned as 14:01 hours onward instead of 18:05 hours or thereafter on 31.01.2010. In my humble opinion this defect is a typographical error and should not ove-ride the merits of the case. In this connection I would like to point out the decision in **Rajendra @ Rajappa vs. State Of Karnataka** [MANU/SC/0222/2021]. The Hon'ble Supreme Court referred to its earlier decision in ***Narayan Chetanram Chaudhary & Anr. v. State of Maharashtra***, where it was held that the minor contradictions in the testimony, while appreciating the evidence in criminal trial are not material. It is held in the said judgment that, only contradictions in material particulars and not minor contradictions can be a ground to discredit the testimony of the witnesses.

It has been pointed out by the defence that Exhibit-9 has been missing and in its place a photocopy has been marked as Exhibit-9A with objection from the other side. Exhibit- 9A is a cash memo of the snacks taken by the trap team at the bar. Even though we do not find Exhibit-9, the rest part of the evidence of PW-15 is not washed away. He had unequivocally deposed that on 31.01.2010 some officials disclosed themselves as CBI officers. This proves the trap laying procedure had indeed taken place in the Super Snacks Bar, Alipore.

The rest witnesses and the combined effect

PW-9 is a BSNL officer of Calcutta Telephone who had appeared before the court to prove CDR of R P Singh's mobile number 9433074712 with effect from 19.01.2010 to 31.01.2010 marked Exhibit-16 and the Customer Application Form proving that the mobile referred above belongs to R P Singh marked Exhibit-17. It is curious to note that the Customer Application Form with its entries has not been challenged in the cross examination. He only told that MOC means Mobile Originating Calls and MTC means Mobile Terminating Calls. He could not mention the meaning of RCF which most probably relates to Call Forwarding Option. There is no cross examination relating to any particular date wise entry in the CDR marked Exhibit-16. Neither is there any suggestion on the part of the defence that the CDR has been manufactured. Similarly, PW-13 has proved the CDR of the Airtel number 9163324034 and its Customer Application Form showing that it is a phone number belonging to Rose Valley Companies. It is to be noted that the CDR has been admitted in to evidence as Exhibit- 24 collectively without any objection and it relates to CDR of Kolkata Circle and Bengal Circle in between 19.01.2010 to 31.01.2010. It is interesting to note in this case during cross examination of PW-13 that a suggestion was made by the defence to the effect that the CDR produced before court is a computer edited document which he has denied vehemently. He has also cross examined with regard to tower location which I do not find necessary at all. I do not find why these two witnesses PW-9 and PW-13 would bring a computer edited document in order to entangle the accused in a false case, especially when, neither of these two witnesses are remotely connected with Rose Valley or CBI.

Besides, a simple tally of Exhibit-16 and Exhibit-24 would reveal the incoming and outgoing calls and the duration of the calls in between the questioned mobile numbers almost exactly.

PW-6 and PW-7 are employees of Rose Valley who have stated that they met R P Singh with some documents but he denied to receive the same. I do not find any reason to disbelieve the testimony of these two witnesses when the trap laying, demand and taking of bribe and the repeated originating calls for a considerable duration has been effectively proved from Exhibit-16 and Exhibit-24, the CDRs of BSNL (Calcutta Telephones) and Airtel respectively. I do not wish to deal in detail with the evidence of PW-11 and PW-12. PW-12 had prepared the Search List dated 31.01.2010 and PW-11 had signed on the same. I do not find any of the seized materials as essential in the instant case.

Presumption under section 20 of P C Act, 1988

Since the demand, trap and acceptance of the demanded sum of Rs. 25 Lakhs has been proved to the satisfaction of the court, the presumption u/s 20 of the P C Act, 1988 kicks in and the statutory presumption that the money was accepted as a motive or reward to facilitate Rose Valley has been proved. The doctrine of *res ipsa loquitur* squarely applies in this case as the accused was caught red handed following the decision of **Raghubir Singh Vs State of Haryana**, (1974) 4 SCC 560.

Therefore, all the points of consideration are decided in favour of the prosecution and against the accused.

As regards sentence it has been specifically held in **Shyam Lal Verma Vs. CBI** [2013 Supreme(MP) 61] that in cases where specific provision prescribed a minimum sentence, the provision of Probation Act cannot be invoked.

Hence, it is

O R D E R E D

that the accused person, viz. **Rajesh Pratap Singh,** is found guilty of the alleged offences **under Section 7 and Section 13(2) of Prevention of Corruption Act, 1988..** Consequently, the accused person is convicted under Section 235(1) of Cr.P.C. The bail-bond stand cancelled. The sureties are also discharged from their obligations.

The seized articles, if any, be confiscated and/or destroyed after the appeal period is over.

Since the accused person, namely **Rajesh Pratap Singh** have been convicted for the offence punishable under **under Section 7 and Section 13(2) of Prevention of Corruption Act, 1988** and since there is no scope to release him on probation of good conduct as per provision of Section 360 Cr.P.C., then in accordance with the provision under Section 235(2) Cr.P.C. a reasonable time for reflection has to be given to the convicted person to hear him on the point of sentence to be imposed upon them as per the provision of law. The convicted person, namely R P Singh, is accordingly remanded to J.C. till 23.12.2025.

Accordingly, fix 23.12.2025 for production and hearing of the convicted persons R P Singh on the question of sentence to be imposed upon him.

Dictated & corrected by me.

Special Judge, CBI Court No. 1, Alipore South 24 Parganas	Special Judge CBI Court No. 1, Alipore South 24 Parganas

<u>Later</u> :
<u>Dated 23.12.2025</u>

The convicted persons, namely, R P Singh, is produced from the J/C.

Ld. P.P-in-Charge for the State and Ld. Advocate for the convicted persons are also present.

The case-record is taken up for hearing of the convicted persons on the question of sentence u/s:235(2) of the Cr.P.C.

I have heard the convicted person personally in open court, when he is repenting on his misdeeds and praying for mercy before the court, stated that he is suffering from blood sugar, blood pressure and asthma. The son and the daughter are aged about 29 and 25 years respectively. He submits that he was admitted in ICU for his medical condition a few months back and he has lost both his parents within the last year. He says there is no one except him to look after his family.

Ld. Advocates for the convicted person submitted that a minimum sentence be prescribed to the convict. He also prays for a direction upon the authorities of Presidency Correctional Home, Alipore, South 24 Parganas for proper medical care regarding blood sugar, pressure and asthma by taking them to the nearest hospital as and when need arises and also to provide them medicine.

I have heard the submissions of the Ld. P.P-in-Charge for the State, who submitted that the offence has grave impact on the society and if it goes unpunished, it may encourage the potential offenders because corruption is rampant in every departments of Government. Besides, there is no chance of probation because this is an offence triable under the special provisions of Prevention of Corruption Act, 1988 and by a Special CBI Court. He also state that bribe of Rs. 25 Lakhs in 2010 is equivalent to Rs. 1 crore today. So, considering the above position he prays for maximum punishment to be imposed upon the convicted persons as the Ld. Court may deem fit and proper. However, he further submits the prayer for proper medical care be allowed.

I have considered the submissions of convicted person as well as Ld. P.P-in-Charge and the Ld. Advocate for the convicted persons.

The fundamental principles in imposing punishment is that punishment must be proportionate with the crime charged. Section 7 of P C Act,1988 prescribes punishment with Imprisonment for a term which shall not be less than six months but which may extend up to five years and Section 13(2) of P C Act, 1988 prescribes a minimum imprisonment term of one year and maximum punishment of seven years and also with fine.

So, considering the facts and circumstances of this case and also keeping in mind the submissions of the Ld. Advocate for the convicted persons and that there are no previous criminal antecedents against the convicted offender, the convicted person is sentenced to suffer Rigorous Imprisonment for six months for the offence u/s 7 P C Act and a fine of Rs. 50,000/- in default imprisonment for another one month. He is also sentenced to Rigorous Imprisonment for three years for the offence u/s 13(2) P C Act, 1988 with a fine of Rs. 50,000/- in default to a imprisonment for a term of seven months. Both the substantive sentence u/s 7 and 13(2) P C Act, 1988 are to run concurrently. During custody, the Superintendent of Presidency Correctional Home is directed to provide proper medical care by taking them to the nearest hospital and keep them under supervision of specialist doctors, if necessary, and also to provide them with requisite medicines as prescribed by doctor. The Superintendent, Presidency Correctional Home be accordingly intimated regarding this direction.

Hence, it is,

O R D E R E D

that the convicted person is sentenced to suffer Rigorous Imprisonment for **six months** for the offence u/s 7 P C Act and a **fine** of **Rs. 50,000/-** in default to an imprisonment for another term of **one month**. He is also sentenced to Rigorous Imprisonment for **three years** for the offence u/s 13(2) P C Act, 1988 with a **fine** of **Rs. 50,000/-** in default to an imprisonment for another term of **seven months**. Both these sentences are to run concurrently u/s 31 of CrPC. However, the period of imprisonment in default of fine, if any, would run consecutively to the parent sentence.

The period of detention (31.01.2010 to 25.02.2010) already undergone by the accused/convicted persons during the stage of investigation/trial be set-off against the sentence of imprisonment u/s: 428 of Cr.P.C.

Issue warrant of commitment on sentence of imprisonment.

Seized Exhibits, if not claimed by any of the parties, be confiscated to the State after the appeal period is over.

The convicted persons are hereby informed in open court that they have the right to prefer an appeal against this judgment free of cost with the help of Legal Services Authority.

However, in compliance with the order of Hon'ble Justice Joymalya Bagchi of High Court at Calcutta in C.R.A No. 64 of 2014, the certified true copy of this judgment, evidence on record and statement of the accused persons recorded u/s: 313 Cr.P.C. be sent to the Legal Services Authority at Calcutta High Court, so that the appeal against this conviction may be filed before the concerned Appellate Court within the period of limitation.

Let a copy of this judgment along with the order imposing sentence be supplied to the convicted persons free of cost forthwith u/s: 363 of Cr.P.C.

Let a copy of this judgment and the order imposing sentence be sent to the District Magistrate, South 24 Parganas u/s: 365 Cr.P.C.

Dictated & Corrected by,

Special Judge,
CBI Court No. 1, Alipore
South 24 Parganas

Special Judge
CBI Court No. 1, Alipore
South 24 Parganas

FORM A

IN THE COURT OF SPECIAL JUDGE CBI COURT NO.1, ALIPORE, SOUTH 24 PARGNAS Present : Mr. Viswaroop Sett, Speical Judge CBI Court No.1, Alipore, South 24 Parganas. [23rd December, 2025] [Special Case No. - 07 of 2010] (Details of FIR/Crime and Police Station)	
De-facto Complainant	Gautam Kundu
Represented By	Ld. Sr. PP D N Pandey
Accused persons	Rajesh Pratap Singh
Represented By	Ld. Advocate Sanjay Bose

FORM B

Date of Offence	31.01.2010
Date of FIR	30.01.2010
Date of Charge-Sheet	12.08.2010
Date of commencement of evidence	09.04.2012
Date on which Judgment if reserved	No such instance
Date of the Judgment	22.12.2025
Date of the Sentencing Order, if any	23.12.2025

Accused Details :

Rank of the accused	Name of the accused	Date of Arrest/Surrender	Date of Release on bail	Offences charged with	Whether acquitted or Convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, CrPC
1.	Rajesh Pratap Singh	31-01-2010	25-02-2010	Sections 7, 13(2), 13(1)(d)	Convicted	NA	26 days

FORM C

LIST OF THE PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution :

Sl. No.	Name of the Witnesses	Identity of the witnesses
1.	Amarjeet Singh (PW-1)	Sanctioning Authority/CGM of SEBI
2.	Bimal Chandra Purkait (PW-2)	Expert/ Director of CFSL Kolkata
3.	Rakesh Kumar Kundan (PW-3)	Unrelated Witness/ Assistant Manager (Law), MSTC Limited
4.	Mayur Dimri (PW-4)	Unrelated Witness/Deputy Manager, (Marketing), MSTC Limited
5.	Gautam Kundu (PW-5)	De-facto Complainant
6.	Dhrubajyoti Sengupta (PW-6)	Auditor of Rose Valley Group
7.	Partha Ghosh (PW-7)	Assistant Accountant of Rose Valley
8.	Nagendra Prasad (PW8)	Trap Laying Officer
9.	Amita Samanta (PW-9)	Employee of Calcutta Telephone Mobile
10.	Jayanta Jash (PW-10)	General Manager, SEBI, Kolkata (ER)
11.	Samrat Dutta (PW-11)	AGM, SEBI, Kolkata
12.	Ajay Adhikary (PW-12)	CBI Inspector
13.	Sujoy Das (PW-13)	CBI Inspector
14.	Ashish Prasad (PW-14)	Trap Team Member
15.	Kamal Acharya (PW-15)	Cashier at Super Snacks Bar
16.	Debashish Chowdhury (PW-16)	I O

LIST OF THE PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sl. No.	Exhibit Number	Description of articls
1.	Exhibit 1	Sanction Order
2.	Exhibit 2	Report of CFSL
3.	Exhibit 2/1	Signature of Director CFSL
4.	Exhibit 3	Signature of PW-2 on bottle ‘A’
5.	Exhibit 4	Signature of PW-2 on bottle ‘B’

6.	Exhibit 5	Signature of PW-2 on bottle ‘C’
7.	Exhibit 6	Signature of PW-2 on Red Cloth parcel ‘D’
8.	Exhibit 7	Signature of PW-3 on Pre Trap Memo
9.	Exhibit 7/1	Signature of PW-4 on the Pre Trap Memo
10.	Exhibit- 7/2 Collectively	Signatures of PW-5 on the Pre Trap Memo
11.	Exhibit- 7/3	Pre Trap Memo
12.	Exhibit- 7/4 Collectively	Signatures of PW-8 on the Pre Trap Memo
13.	Exhibit- 7/5 Collectively	Signatures of PW-14 on the 25 sheets of pre trap memo
14.	Exhibit 8	Seizure List dated 31.01.2010
15.	Exhibit 9	Cash Memo (Replaced by photocopy)
16.	Exhibit 9/1	Signature of PW-3 on the Cash Memo
17.	Exhibit- 9A	Photocopy of Cash Memo
18.	Exhibit 10	Signature of PW-1 on Sketch Map
19.	Exhibit-10/1	The signature of PW-4 on the rough sketch map of the PO.
20.	Exhibit- 10/2	Site Plan
21.	Exhibit 11 (Series)	Signature of PW-3 on the Post Trap Memo
22.	Exhibit 11	Signature of PW-4 on the facsimile brass seal.
23.	Exhibit-11/1	Sheet of specimen seal and signatures.
24.	Exhibit-11/2 Collectively	Signatures of PW-14 on the 24 sheets of annexure of pre trap memo.
25.	Exhibit- 11/3	Signature of PW-14 on the facsimile.
26.	Exhibit 12	Signature of PW-4 on the Search List dated 31.01.2010
27.	Exhibit- 12/1 Collectively	Signatures of PW-5 on the Search List

28.	Exhibit- 12/2 Collectively	Signatures of PW-8 on the seizure memo.
29.	Exhibit- 12/3	Search List 31.01.2010
30.	Exhibit-13	Signature of PW-4 on the trap laying and post trap memo.
31.	Exhibit- 13/2 A Collectively	Signatures of PW-5 on the Post Trap Memo
32.	Exhibit- 13/2	Post Trap Memo
33.	Exhibit- 14	Written Complaint along with annexure.
34.	Exhibit- 14/1	Endorsement on written complaint.
35.	Exhibit- 15	Formal FIR
36.	Exhibit-16 Collectively	Call Record Details
37.	Exhibit-17	Application form containing 02 pages.
38.	Exhibit- 17/1	Production cum seizure memo dated 23.03.2010
39.	Exhibit- 18 Collectively	Signatures of PW-10 on the Seizure List dated 31.10.2010
40.	Exhibit-18/1 Collectively	Two signatures of PW-11 on the search list dated 31.01.2010
41.	Exhibit-18/2	Search list dated 31.01.2010
42.	Exhibit-19 Collectively	1 to 256 pages of file.
43.	Exhibit 19/1	04 pages of letter dated 07.12.2009
44.	Exhibit-19/2	Letter and note of Executive Director
45.	Exhibit-19/3 Collectively	Signatures of PW-10, R P Singh, Mr. Jivan, Mr. Baidyanathan on letter of SEBI dated 17.12.2009
46.	Exhibit- 19/4	Letter dated 08.01.2010
47.	Exhibit- 19/5	Letter dated 08.01.2010
48.	Exhibit- 19/6	Letter dated 08.01.2010
49.	Exhibit- 19/7	Letter dated 22.01.2010

50.	Exhibit- 19/8	Letter dated 22.01.2010
51.	Exhibit- 19/9	Signatures of PW-10 on the Seizure Memo dated 02.03.2010
52.	Exhibit-19/9/1	Production cum seizure memo dated 02.03.2010
53.	Exhibit-20	Copy of Order dated 24.12.2002
54.	Exhibit- 21	Ten pages of Winding Up Report of Rose Valley Group of Companies.
55.	Exhibit- 22	Xerox copy of letter dated 13.02.2010
56.	Exhibit- 23	Letter dated 04.02.2010
57.	Exhibit-24 Collectively	Forwarding letter dated 22.03.2010 along with annexure total 18 pages.
58.	Exhibit- 25	Another forwarding letter dated 29.03.2018 along with anexure total 13 pages.
59.	Exhibit-26	The seizure memo dated 12.02.2010
60.	Exhibit- 26/1	Seizure memo dated 12.02.2010
61.	Exhibit- 26/2	Seizure memo dated 13.02.2010
62.	Exhibit-27	Seizure memo dated 17.02.2010
63.	Exhibit-27/1	The letter of R P Singh dated 08.01.2010
64.	Exhibit- 28	Production cum seizure memo dated 03.03.2010
65.	Exhibit- 28/1	Original Cash Voucher dated 30.01.2010, No. Y1712
66.	Exhibit- 28/2	Certified copy of daily cash sheet dated 30.01.2010
67.	Exhibit- 29	The letter of the Nodal Officer Airtel

Sl.No.	**Mat Exhibit**	**Drescription of articles**
1.	Mat Exhibit-I	Bottle ‘A’
2.	Mat Exhibit-I/I	Signature of PW-3 on bottle ‘A’

3.	Mat Exhibit-II	Bottle 'B'
4.	Mat Exhibit-II/I Series	Signature of PW-3 on the bottle 'B'
5.	Mat Exhibit-III	Bottle 'C'
6.	Mat Exhibit-III/I	Signature of PW-3 on bottle 'C'
7.	Mat Exhibit-IV	Packet Marked 'D'
8.	Mat Exhibit-IV/I	Signature of PW-3 on the cloth cover
9.	Mat Exhibit-V	Transparent envelope which containing all these G C Notes along with 13 sheets.
10.	Mat Exhibit-V/I Series	Signature of PW-3 on every pages of Mat Exhibit-V
11.	Mat Exhibit-VI	Bundle amounting Rs. 25 Lakhs
12.	Mat Exhibit-VII	Paper kept inside Dell bag having signatures of trap team members
13.	Mat Exhibit-VII/I	Signature on Mar Exhibit-VII
14.	Mat Exhibit-VIII	'Del' marked handy bag
15.	Mat Exhibit-VIII/I	Red cloth kept inside the bag
16.	Mat Exhibit-IX	Nokia Mobile, Model N-95
17.	Mat Exhibit-IX/I	Signature on Mat Exhibit-IX
18.	Mat Exhibit-X	Nokia Mobile Phone