

CBI Vs Arun Kumar & Ors.

RC No.: 41(A)/2019

22.12.2022

Present: Sh. Naveen Giri, Ld.Sr. PP for CBI
Accused A-1 to A-5 shown not arrested.

Matter today has been kept for consideration on the charge-sheet. IO Insp. Ajay Kumar Singh is not present despite being directed to remain present vide order of previous date. His request seeking exemption from personal appearance on the ground of illness and consequent hospitalization, is made by Ld. Sr. PP for CBI. Considering the same, IO is exempted from his personal appearance for today.

I have carefully perused the charge-sheet, the statement of witnesses and the relied upon documents with the assistance of the Ld. Sr. PP for the CBI.

As per charge-sheet, it was on the basis of a source information and an enquiry conducted thereon by the CBI, that FIR came to be registered u/s 120-B IPC r/w Section 8 of the Prevention of Corruption Act, 1988 (in short, 'PC Act') against accused A-1 Arun Kumar Singh, A-2 Monika Gill, A-3 Ramachandra Rao Sariki and A-4 M. V. Krishnaiah. As per FIR, it was alleged that accused A-2 Monika Gill, a private person, was indulging in corrupt and suspicious activities and had developed

contacts in various Ministries and Departments including the Ministry of Consumer Affairs, New Delhi. Accused A-3 Ramachandra Rao Sariki alongwith his associate A4 M. V. Krishnaiah, both private persons, came in contact with A-2 Monika Gill in respect of their pending work in the Legal Metrology Department which comes under the Department of Food and Public Distribution, Ministry of Consumer Affairs. A-2 Monika Gill had assured them of facilitating processing of their file in the said department by influencing associated public servants to obtain the required approvals and in lieu thereof, had demanded undue advantage/illegal gratification for herself and for the concerned public servants. In this regard, A-3 had agreed to give an illegal gratification of Rs. 70 lacs to A-2 for the given purpose and some part payments in the form of cash, cheque and money transfer through bank account had happened. Investigation revealed that accused A-2 Monika Gill was in contact with the public servant A-1 Arun Kumar Singh, the staff/official in the Ministry of Consumer Affairs, Govt. of India in connection with the GATC (Government Approved Test Centres) notification to be issued by the Legal Metrology Division of the Department of Consumer Affairs. In this regard, accused A-2 had transferred an amount of Rs. 1 lac in the account of accused A-1. During investigation, recording of the conversations as held among the accused persons became available with the CBI in which the accused persons A-3 Ramachandra Rao Sariki, A4 M.V. Krishnaiah and A-5 Anil Kumar Sariki were having conversations with

accused A-2 Monika Gill about their work as well as about illegal gratification/demand of bribe. There were also available with the CBI the recorded conversations between accused A-1 Arun Kumar Singh and accused A-2 Monika Gill. The statements of accounts of the accused persons were procured and it established monetary transactions between accused A-2, A-3 & A-5 in respect of the work taken up by accused A-2 for issuance of new notification in favour of the private persons/accused A-3, A-4 and A-5. Investigation, thus, established that accused persons A-1 to A-5 had entered into a criminal conspiracy to commit an illegal act i.e. to influence a public servant by corrupt or illegal means to show undue favour to them and for that purpose, gratification was accepted by A-2 from A-3 & A-4 and subsequently transferred to A-1 in the matter of issuance of fresh GACT Notification. Though, the CFSL result in respect of the specimen voice samples and the voice in the recorded conversations is still awaited, however, there are statements of witnesses and the documents especially the statements of accounts available on record, making out a prima facie commission of offence punishable u/s 120-B r/w Section 8 & 7A of the PC Act and the substantive offences u/s 8 & 7A of the PC Act against the accused persons. There is no requirement of prior sanction for prosecution against the public servant/accused A-1 Arun Kumar Singh in terms of the provision of Section 19 of the PC Act which mandates the prior sanction in respect of offences as punishable u/s 7,11,13 & 15 of the PC Act.

Keeping in view the above, I take cognizance of the offence punishable u/s 120-B r/w Section 8 & 7A of the PC Act and the substantive offences u/s 8 & 7A of the PC Act against the accused persons namely A-1 Arun Kumar Singh, A-2 Monika Gill, A-3 Ramachandra Rao Sariki @ Sariki Ramchandra Rao @ Ramu, A-4 Maddiseti Venkata Krishnaiah and A-5 Anil Kumar Sariki @ Sariki Anil Kumar. Since the accused persons were not arrested during investigation and have been shown as such in the charge-sheet, I direct issuance of summons to all the five accused persons, returnable before this Court on **21.01.2023**.

In the meanwhile, IO is directed to ensure that the CFSL result is positively made available on or before the next date of hearing and be filed accordingly. Notice in this regard be issued to the IO as necessary information and for strict compliance.

(SATISH KUMAR ARORA)
SPECIAL JUDGE-05, CBI (PC ACT)
RADC, NEW DELHI/22.12.2022