

**IN THE COURT OF THE SPECIAL JUDGE, (SPE/CBI)-III,  
ERNAKULAM**

**(Special court for trial of the offence under the PML Act, 2002)**

Present :-

**SRI.SABARINATHAN.P, SPECIAL JUDGE.**

Thursday the 12<sup>th</sup> day of December, 2024/21<sup>st</sup> Aghrayana, 1946.

**Crl. M.P. Nos. 265/2024, 264/2024 and 611/2024**

in

**S.C (PMLA) 3/2023**

**Crl. M.P. No. 265/2024:**

**Petitioner /Accused No.2 :** Sanjeev Khanna, aged 64 years,  
S/o. Late Raja Ram Khanna, No.29,  
Silver Oak Farms, Road No.1, Ghitorni,  
M.G. Road, Near Bakshi Farms,  
New Delhi-110030.

**Represented by** : Advs. John S Ralph, Sumer Singh, Vishnu  
Chandran, Ralph. R. John, Appu Babu,  
Giridhar Krishna Kumar, Vishnumaya.M.B,  
Geethu.T.A and Apoorva Ramkumar.

**Respondent/Complainant:** Directorate of Enforcement, represented  
by its Assistant Director, Cochin Zonal  
Office, Kanoos Castle, A.K. Sheshadri Road  
Cochin– 682011.

**Represented by** : Adv. M. J. Santhosh,  
Special Public Prosecutor.

**Crl. M.P. No. 264/2024:**

**Petitioner /Accused No.4 :** Kanav Khanna, aged 41 years,  
S/o. Sanjeev Khanna, No.29,  
Silver Oak Farms, Road No.1, Ghitorni,  
M.G. Road, Near Bakshi Farms,  
New Delhi-110030.

**Represented by** : Advs. John S Ralph, Sumer Singh, Vishnu  
Chandran, Ralph. R. John, Appu Babu,  
Giridhar Krishna Kumar, Vishnumaya.M.B,  
Geethu.T.A and Apoorva Ramkumar.

**Respondent/Complainant:** Directorate of Enforcement, represented  
by its Assistant Director, Cochin Zonal  
Office, Kanoos Castle, A.K. Sheshadri Road,  
Cochin – 682011.

**Represented by** : Adv. M. J. Santhosh,  
Special Public Prosecutor.

**Crl. M.P. No. 611/2024:**

**Petitioner /Complainant :** Directorate of Enforcement, Represented by  
Satyaveer Singh, Assistant Director,  
Cochin Zonal Office, Kanoos Castle,  
A.K. Sheshadri Road, Cochin– 682011.

**Represented by** : Adv. M. J. Santhosh,  
Special Public Prosecutor.

**1<sup>st</sup> Respondent/2<sup>nd</sup> Accused** : Sanjeev Khanna, aged 64 years,  
S/o. Late Raja Ram Khanna, No.29,  
Silver Oak Farms, Road No.1, Ghitorni,  
M.G. Road, Near Bakshi Farms,  
New Delhi-110030.

**2<sup>nd</sup> Respondent/4<sup>th</sup> Accused** : Kanav Khanna, aged 41 years,  
S/o. Sanjeev Khanna, No.29,  
Silver Oak Farms, Road No.1, Ghitorni,  
M.G. Road, Near Bakshi Farms,  
New Delhi-110030.

**Represented by** : Advs. John S Ralph, Sumer Singh,  
Vishnu Chandran, Ralph. R. John,  
Appu Babu, Giridhar Krishna Kumar,  
Vishnumaya.M.B, Geethu.T.A  
and Apoorva Ramkumar.

These petitions are coming on for hearing on 12<sup>th</sup> day of December, 2024 in the presence of Counsel on both sides and having stood over for consideration on the same day the Court passed the following:

### **COMMON ORDER**

These applications are filed u/s.307 of Cr.P.C/344 of BNSS, to tender pardon to A2 and A4 in the above case.

2. The Crl. M.P. 265/2024 is filed by the second accused, Crl. M.P. 264/2024 is filed by the 4<sup>th</sup> accused and Crl. M.P. 611/2024 is filed by the prosecution for the said purpose.

3. According to the petitioners in Crl. M.P. 265/2024 and Crl. M.P. 264/2024, who are A2 and A4 in the above case, they are ready to give true and complete disclosure of the facts within their knowledge and ready to disclose the same during the trial of this case. They are ready to disclose the statement without any inducement, threat or promise. There was no threat from any corner against them for being an approver. Hence they pray to tender pardon to them and they are ready to accept the same.

4. The prosecution also says in Crl. M.P. 611/2024 that pardon is to be tendered/granted to A2 and A4. According to the prosecution, the allegations against the accused is that, the first accused, who was working as Chief Engineer (Naval Works), Military Engineering Services, Naval Base, Kochi entered into criminal conspiracy with the co-accused for issuing tender acceptance letter for work at Kochi for ₹ 53 crores and ₹ 72 crores respectively in favour of A5 and A6 after obtaining bribe from them. In furtherance of the said conspiracy, the first accused demanded ₹ 61,00,000/- from the 5<sup>th</sup> accused and ₹ 89,00,000/- from the 6<sup>th</sup> accused as illegal gratification. On the basis of the direction of the first accused, A2

and A4 received bribe money of ₹ 40,00,000/- and ₹ 88,00,000/- from A5 and A6 respectively as a reward for issuance of tender acceptance letter. Currency notes and gold bars were seized from the house of A2 and A4. Since A2 and A4 expressed their willingness to disclose the full facts of transaction involved in this case, the prosecution has taken steps to record the statement of A2 and A4 u/s.164 of Cr.P.C. and as per orders of the Hon'ble Chief Judicial Magistrate, Ernakulam, their statements were recorded by the JFCM-VIII, Ernakulam on 06.04.2024, as per the same, they have narrated the details of the transaction. So, the prosecution also prays to tender pardon to A2 and A4, on condition that they will disclose all relevant facts including evidence against them and other accused persons during trial.

5. The prosecution and A2 and A4 have filed counter in the respective applications. According to the prosecution, pardon is not liable to be tendered/granted on the basis of application filed by A2 and A4, as they have no right to file such an application. It is the prerogative of the prosecution to apply for tendering pardon. A2 and A4, in their counter stated that they have already filed CrI. M.Ps. 265/2024 and 264/2024 for tendering pardon to them and they have also gave separate statements

before the JFCM-VIII, Ernakulam. Hence they pray to tender pardon to them.

6. A2 and A4 entered appearance before this Court in person on 22.11.2024 and filed separate affidavits sworn before a Notary Public, wherein it is stated by them that they are ready to accept the pardon on condition that they will make a full and true disclosure of the facts and circumstances of offence and the persons involved in this offence. They also expressed their willingness to accept the tender of pardon and co-operate with the prosecution as witnesses. Their separate statements were also recorded by this Court on the same day. At that time also, it is stated by them that they have filed separate affidavits and also gave statements before the JFCM-VIII, Ernakulam. They identified their signatures therein. It is stated by them that those statements were voluntarily given by them. They categorically expressed their willingness to disclose everything about their involvement and involvement of other accused in the transactions related to this case. In the predicate case registered by CBI also, pardon was tendered/granted to them and they accepted the same. They undertook to accept the pardon and they are also ready to co-operate with the prosecution as witnesses. It is also stated by them that they are aware of the conditions of the pardon and future action in case of

non-compliance of the conditions to be imposed by this Court. According to them, they voluntarily appeared before this Court for giving statements.

7. Both sides were heard and perused the records. As stated earlier, A2 and A4 and also the prosecution have filed applications to tender pardon to A2 and A4. A2 and A4 are alleged with offence u/s. 4 r/w. 3 of the PML Act, 2002. They entered appearance before this Court on summons on 05.01.2024 and they were released on bail. Subsequently, they have filed Crl. M.Ps. 265/2024 and 264/2024 to tender pardon to them. It is also relevant to mention that A2 and A4 have given separate statements before JFCM-VIII, Ernakulam u/s. 164 of Cr.P.C, narrating in detail the nature of the transactions relating to the crime in question. They categorically stated in the applications filed by them that they are ready to disclose all the facts within their knowledge, relating to the present crime. While recording statements before this Court also, it is categorically stated by them that they are ready and willing to make a full and true disclosure of facts known to them relating to the present case, they are ready to accept the pardon, if so granted by this Court and ready to co-operate with the prosecution as witnesses. I am satisfied that the statements given by A2 and A4 are voluntary statements. Besides that, they have filed detailed affidavits attested by a Notary Public, which also disclose necessary facts.

Here, the prosecution as well as A2 and A4 are praying to tender pardon to A2 and A4. Since A2 and A4 voluntarily undertook to make a full and true disclosure of the whole of the circumstances within their knowledge relating to the offence and to every other persons concerned, in the commission of the said offence, I am of the considered view that the power of this Court u/s. 307 of Cr.P.C/344 of BNSS can be invoked. Hence, I am inclined to allow these applications with conditions.

In the result, Crl. M.Ps. 265/2024, 264/2024 and 611/2024 are hereby allowed and pardon is tendered/granted to A2 and A4, named Sanjeev Khanna and Kanav Khanna on following conditions:-

- a) A2 and A4 shall make a full and true disclosure of the whole of the circumstances within their knowledge relating to the offence and to every other persons concerned, in the commission of the said offence;
- b) They shall be examined as witnesses before this Court as prosecution witnesses/approvers on the side of the prosecution;
- c) They shall give full and true disclosure of the whole of the circumstances within their knowledge relating to the offence and to every other persons concerned, in the commission of the said offence, while they are so examined as prosecution witnesses/approvers;

d) The non-compliance of the said conditions will result in initiating further steps/actions u/s. 345 of BNSS;

e) A2 and A4 shall file separate statement accepting the pardon, if they are accepting the same.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 12<sup>th</sup> day of December, 2024.

Sd/-  
**Sabarinathan.P**  
**Special Judge**  
**Ernakulam**

**Appendix:** Nil.

Sd/-  
**Special Judge**

Typed by : Bs.

Compd. by : Ma.

Common Order  
in  
Crl. M.Ps 265/24, 264/24  
and 611/24  
in  
SC (PMLA) 3/2023  
Dated 12.12.2024