

**IN THE COURT OF MS. MANJOT KAUR, SPECIAL JUDGE,
CBI, PUNJAB, SAS NAGAR, MOHALI**

Case No. CLO-01-2020
CNR No.PBSA01-006845-2020
RC No.05(A) of 2016
Police Station: CBI/ACB/Chandigarh
Pronounced on: 06.01.2024
Pending for: 30.01.2024

CBI Vs. Poduri Rama Rao

Application to implead Captain Kshitij Sharma as party in this case

Present: Sh. Jai Hind, learned Public Prosecutor for the CBI.
 Ms. Harpreet Kaur Advocate, learned counsel for
 complainant-Dr. Parikshit Bansal.
 Sh. Nikhil Anand Advocate, learned counsel for applicant
 Captain Kshitij Sharma.

ORDER:

1. This order would dispose off an application dated 07.12.2022 moved by Captain Kshitij Sharma (hereinafter referred to as applicant) to implead him as party in this case. In this regard, applicant states that a team of 3 CBI Officers had registered FIRRCCHG2016A0005 dated 14.01.2016 against eight officials in respect of criminal offences under Section 120-B read with 420;409;467;471 IPC and under Section 13 (2) read with Section 13(1) c and 1(1) d of Prevention of Corruption Act, 1988. The present closure report dated **09.12.2020** had been filed by Sh. S.S. Bhullar, which report is biased and based on concealment of facts, to mislead this court. The closure report ignores the complaint made by the applicant. By way of letter dated 01.07.2020, applicant had made complaint six months prior to filing of closure report, wherein he had brought to the attention of Sh. S.S. Bhullar, the Investigating Officer, that

(Manjot Kaur)
Special Judge, CBI, Punjab,
SAS Nagar (Mohali)/06.01.2024
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all information provided to the CBI was being vetted and filtered by the prime accused i.e. P.J.P Singh Warraich, NIPER Registrar, in connivance with J.K. Chandel, Deputy Registrar. Thus, closure report is based on information provided to CBI by the accused themselves and which has been readily accepted by the IO Sh. S.S. Bhullar. Despite several appeals to Mr. Bhullar and follow ups, the IO took no action on the complaint of applicant and rather filed the closure report dated **09.12.2020**. Applicant again filed a complaint to the CBI dated 21.01.2021 but the same was brushed under the table by the IO and no action was taken. Thereafter, applicant filed CRM-M-39944 of 2022 before the Hon'ble Punjab and Haryana High Court dated 01.09.2022, wherein the Hon'ble High Court by way of order dated 05.09.2022 directed the CBI to decide the complaints of applicant dated 01.07.2020 and 21.01.2021. It is in this context that the applicant has prayed to be impleaded as a party in the protest petition to prevent concealment of facts by the CBI and ensure fair adjudication.

2. CBI has filed reply stating that the matter was taken up by the CBI, ACB, Chandigarh vide SIR dated 22.09.2011 on the basis of allegations of diversion of funds and procuring a software "SCIFINDER" on exorbitant rates. Verification revealed that "SCIFINDER" was not purchased at exorbitant rates. It further got revealed that Dr. P.Rama Rao had visited USA four times and once each to Belgium and Finland only on official visits. Utilization of funds under IPR project for subscription to "SCIFINDER" and patent filing expenses was examined in mid-term appraisal report and also by a committee comprising members from

outside NIPER. Both these records have not raised any adverse remarks against subscription of "SCIFINDER". Hence, the SIR was closed on 07.08.2012 by the then competent authority. In the meantime, a civil writ petition No. 14537/2012 was filed by Dr. Parikshit Bansal of NIPER in Hon'ble High Court, Chandigarh, wherein CBI had filed reply. The Hon'ble Court vide order dated 15.09.2014 ordered the need for involving Dr. Parikshit Bansal in the investigation. The then competent authority ordered on 29.09.2014 that a PE may be registered and the Hon'ble Court was informed accordingly. Thus, a preliminary enquiry was registered against Dr. P. Rama Rao, Professor K.K. Bhutani and other unknown persons on the basis of Source Information Report. After conducting the inquiry, the said preliminary enquiry was recommended to be converted into a regular case, which was approved by the competent authority of CBI on 22.12.2015. Thereafter, the present case was registered on 14.01.2016. On merits, CBI stated that preliminary enquiry as well as the present FIR was registered on source information and Captain Kshitij Sharma was not complainant of this instant case and as such he has no locus standi to be made a party in the present case. The CBI further states that investigation in this case has been conducted in the right earnest. It was only after completion of investigation and approval by the competent authority that the final report was filed before this Court on 09.12.2020. In the course of investigation of this case, complaint dated 01.07.2020 of the applicant was received by the CBI, which was thoroughly analyzed by Sh. S.S. Bhullar, the then Dy.SP, CBI, ACB, Chandigarh. However, the contents of the said complaint did not reveal any specific information

pertaining to the allegations of the aforesaid case and hence the complaint was closed. In compliance of order dated 05.09.2022 passed by the Hon'ble High Court in CRM-M-39944 of 2022, the CBI was directed to decide the complaint dated 01.07.2020 and 21.01.2021 of Captain Kshitij Sharma, in compliance whereof, a speaking order dated 17.10.2022 was passed, in respect of complaint dated 01.07.2020. The complaint dated 21.01.2021 was also inquired into but the allegations mentioned therein could not sustain during investigation conducted by CBI. Hence, a closure report was filed by the CBI on 09.12.2020. The matter pertaining to issuance of fake residential certificate by Sh. Jatinder Chandel in respect of Sh. P.J.P. Singh Warraich was reported to the Local Police and other concerned authorities. The complaint dated 21.01.2021, after having been analyzed thoroughly was forwarded to Vigilance Department (NIPER), Ministry of Chemicals and Fertilizers, Department of Pharmaceuticals, Sastri Bhawan, New Delhi for further necessary/appropriate action at their end. In compliance of order passed by the Hon'ble High Court, speaking order dated 24.11.2022 was passed in respect of complaint dated 21.01.2021. It has thus been prayed that the present application be dismissed in the interest of justice.

3. I have heard Sh. Nikhil Anand Advocate, learned counsel for applicant Captain Kshitij Sharma, Ms. Harpreet Kaur Advocate, learned counsel for complainant-Dr. Parikshit Bansal and Sh. Jai Hind, learned Public Prosecutor for the CBI, respectively and carefully perused the record.

4. Applicant has placed on file copy of order dated 05.09.2022 passed by the Hon'ble High Court of Punjab and Haryana at Chandigarh in CRM-M-39944-2022, as per which, CBI had been directed to decide the complaint dated 01.07.2020 and 21.01.2021, by passing speaking and reasoned order within 30 working days. In case, the grievance of the petitioner (applicant herein) still existed, he was at liberty to avail legal remedy in accordance with law including approaching the Hon'ble High Court.

5. Copy of order dated 03.05.2023 passed by the Hon'ble High Court of Punjab and Haryana at Chandigarh in CRM-M-21409/2023 has also been placed on file, wherein directions had been given to the applicant of this case to file a proper, precise and clear representation with paragraph numbers properly drafted. If such representation is filed by the applicant within one month, then the CBI has been directed to decide the same in para-wise manner apart from observations within two months thereafter. In case the representation was not filed within one month from the date of above order, the order was to eclipse automatically thereafter.

6. From the aforementioned, it is clearly culls out that with reference to the investigation of this case being conducted by the CBI, applicant Captain Kshitij Sharma (not in any manner related to the complainant of this case), had filed two complaints dated 01.07.2020 and 21.01.2021 before the Investigating Officer of this case. Feeling aggrieved that his allegations were not properly looked into with regard to the conducting of investigation by the Investigating Officer, he had approached the Hon'ble High Court by way of CRM-M-39944 of 2022

and which came to be decided by way of order dated 05.09.2022. The CBI in compliance of the said order, decided the complaint dated 01.07.2020 by way of a speaking order dated 17.10.2022. With reference to complaint dated 21.01.2021, the CBI forwarded the said complaint to the Vigilance Department (NIPER) for necessary action at their end. Furthermore, the CBI also passed a speaking order dated 24.11.2022 in respect of this complaint dated 21.01.2021.

7. Now, the grievance of the applicant is that the CBI has given cryptic response by way of its order dated 24.11.2022. In this regard, the applicant is shown to have approached the Hon'ble High Court by way of CRM-M-21409-2023 and which grievance had since been set at rest by the Hon'ble High Court by way of order dated 03.05.2023.

8. The Learned counsel for the applicant, could not state anything before the Court, as to what is his locus standi, with regard to his submission in becoming a party to the present closure report dated **09.12.2020**, which has since been filed by the CBI and to which the complainant of this case namely Dr. Parikshit Bansal has already filed his protest petition. The matter in issue, if any, is between the applicant and the CBI. Moreover, with reference to the present application, the learned counsel for complainant Dr. Parikshit Bansal has neither filed any reply nor made any specific submissions before the court. In the said circumstances, this court is of the considered view that the applicant simply has no locus standi to be impleaded as a party for the decision of the closure report dated **09.12.2020**, since filed by the CBI and wherein

protest petition has also been filed by the complainant. Thus finding no merits in the application, same stands dismissed.

Pronounced
Dated: 06.01.2024
Tejinder Kaur
Stenographer Gr.II

(Manjot Kaur)
Special Judge, CBI, Punjab,
SAS Nagar, Mohali.
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