

# Central Bureau Of Investigation vs Ashutosh Verma & Ors on 11 January, 2022

**Author: Subramonium Prasad**

**Bench: Subramonium Prasad**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.M.C. 135/2022 & CRL.M.A. 521/2022  
CENTRAL BUREAU OF INVESTIGATION ..... Petitioner  
Through Mr. Anil Grover, SPP for CBI

versus

ASHUTOSH VERMA & ORS ..... Respondents  
Through None

CORAM:  
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD  
ORDER

% 11.01.2022 HEARD THROUGH VIDEO CONFERENCING

1. Vide the instant petition under Section 482 Cr.P.C read with Article 227 of the Constitution of India, CBI seeks to challenge the orders dated 07.10.2021 passed by Special Judge, CBI, Rouse Avenue Courts, New Delhi in C. Case No. 192/2019 directing the CBI to return original title deeds of property being Farm No.4, Casurina Marg, Westened Green, Rajokri, New Delhi to the respondent No.2 herein and exempting the respondents herein from filing the Affidavit of Assets.

2. Facts, in brief, leading to the present petition are that the respondents were accused of offences punishable under Section 120B read with Sections 201, 204 and 218 IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. During investigation, the title deeds of Farm No.4, Casurina Marg, Westened Green, Rajokri, New Delhi were seized.

3. After conclusion of investigation, charge-sheet was filed against the respondents under Section 120B of IPC and Section 7, 11 and 12 of the Prevention of Corruption Act, 1988 before the learned Special Judge on 30.11.2012. Vide order dated 11.01.2016 charges were framed against the respondents for offences under Section 120-B of IPC and under section 7 of PC Act read with section 120-B of IPC. Respondent No.1 was charged with substantive offences under section 7 of PC Act, 1988, and respondents No.2 and 3 herein were charged with the substantive offences under section 12 of PC Act, 1988. After conclusion of trial the respondents were convicted and were sentenced to undergo rigorous imprisonment for a period of one year with fine of Rs.1 ,00,000/- each and in default of payment of fine, the respondents were directed to undergo simple imprisonment for a period of two months. The respondents filed appeals in this Court and they are pending.

4. Material on record indicates that in the year 2011 respondent No.2 herein had approached this Court for grant of permission to travel abroad and this Court vide order dated 21.09.2011 allowed the respondent No.2 to go to London for a period of two weeks on his furnishing a security in the form of documents of a self owned property worth Rs.50 crores.

5. The respondent No.2 has thereafter approached the Trial Court for release of documents and the Trial Court vide order impugned herein has directed the CBI to return original title deeds of property being Farm No.4, Casurina Marg, Westened Green, Rajokri, New Delhi to the respondent No.2 herein. The Trial Court has directed the petitioner to hand over the title deeds of the above mentioned property.

6. The learned Trial Court by another order of the same date has exempted the respondents herein from filing the Affidavit of Assets.

7. It is these Orders which have been assailed by the CBI in the instant petition.

8. Mr. Anil Grover, learned SPP appearing for CBI, submits that the titled deeds of the property were seized during investigation in the year 2008. He states that the respondent No.2 often goes outside the country and this is only a security that has been given by the respondent No.2 for travelling abroad.

9. Heard Mr. Anil Grover, learned SPP appearing for CBI, and perused the material on record.

10. The learned Trial Court by the order impugned herein has noted that the title deeds of the properties had not been filed along with the charge- sheet as evidence and the CBI had not proposed any action against the properties during the course of trial. The learned Trial Court, therefore, directed the CBI to return all the documents to the respondent. In view of the fact that CBI has not proposed an action against these properties and they are not a part of the charge-sheet, this Court does not find any infirmity in the order of the Trial Court releasing the documents in favour of the respondent No.2.

11. The jurisdiction of this Court while exercising its power under Section 482 Cr.P.C is extremely limited. The purpose of Section 482 Cr.P.C is to secure the ends of justice and there is nothing on record to show that the judgment of the Trial Court is perverse. The documents were seized in the year 2008 and they do not form a part of the charge-sheet nor any action has been proposed by the CBI against the said property during the course of trial and, therefore, the order of the Trial Court does not warrant any interference.

12. As regards the order in C. Case No. 192/2019 in CNR No. DLCT-11- 001026-2019, exempting the respondents herein from filing Affidavit of Assets, the Trial Court is correct that in terms of the judgment of a Full Bench of this Court in Karan Vs State of NCT of Delhi, 2020 Latest Case Law 3254 Del. Dated 27.11.2020, the provisions of Section 357(A) Cr.P.C do not apply to offences under the Prevention of Corruption Act, 1988.

13. This Court, therefore, does not find any reason to interfere with the orders of the Trial Court.

14. Accordingly, the petition is dismissed along with the pending application.

SUBRAMONIUM PRASAD, J JANUARY 11, 2022 Rahul