

Navinbhai Jayantibhai Patel @ Navin ... vs Union Of India Through National ... on 1 October, 2024

Author: Rongon Mukhopadhyay

Bench: Rongon Mukhopadhyay, Sanjay Prasad

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal. (DB) No. 1474 of 2023

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Navinbhai Jayantibhai Patel @ Navin Patel aged about 44 years, son of Late Jayantibhai Jivrajbhai Patel @ Jayantibhai Jivraj Bhai Patel permanent resident of C 312-313, GIDC, Karamsad, PO-Karamsad, PS-Karamsad, District- Anand (Gujarat)-388 210, presently residing at Flat No. 202, Palak Crystal, Behing Marriott Hotel, Ramdev Nagar, Ahmedabad, PO- Ramdev Nagar, PS- Ramdev Nagar, District- Ahmedabad (Gujarat)..... Appellant Versus Union of India through National Investigating Agency, having its office at NIA Camp Office, Quarter No. 305, Sector-II, PO- Dhurwa, PS- Dhurwa, District- Ranchi, Jharkhand-834002 Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY HON'BLE MR. JUSTICE SANJAY PRASAD

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| For the Appellant | : Mr. Balaji Srinivasan, Advocate Mr. Niranjan Kumar, Advocate Mrs. Nirupama, Advocate |
| For the NIA | : Mr. Amit Kumar Das, Spl.P.P. |

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C.A.V. on 16.08.2024

Pronounced on 01/10/2024

Per Sanjay Prasad, J. The present criminal appeal has been preferred

against the order dated 30.06.2023 passed by Sri Madhuresh Kumar Verma, learned Additional Judicial Commissioner-XVI- cum-Special Judge, NIA, Ranchi in Special (NIA) Case No. 02 of 2018, corresponding to R.C. No. 02/2018/NIA/DLI dated 19.01.2018 registered under Section 212/213/414/34 of the Indian Penal Code and Section 13/17/40 of Unlawful Activities (Prevention) Act, 1967 and Section 17 of Criminal Law Amendment Act arising out of Bero P.S. Case No. 67 of 2016 dated 10.11.2016, whereby the Learned Court below has rejected the bail application of appellant being Miscellaneous Criminal Application No. 1571 of 2023.

2. The prosecution case, in brief, is that on 10.11.2016, on receiving secret information, the informant namely Mr. Bindeshwari Das, Officer In-charge of Bero P.S. registered an information received regarding the associates of Supremo of PLFI depositing ill-gotten money of crime proceed realized as extortion of levy at SBI, Bero, Ranchi. After having informed his superior authorities and having received their directives, he proceeded for its verification alongwith other police officials and reserve guards. At about 03.15 PM, he reached along with his team at SBI, Bero, Ranchi, and after surrounding the same waited in ambush. In the meantime, after having seen the police party, 3-4 persons making hue and cry attempted to flee away with bag having articles carrying in their hand, and one of the persons was apprehended from campus of the Bank and three persons were apprehended while boarding Safari Vehicle No. JH01Y 2898. On asking, the persons apprehended disclosed their name as co-accused Binod Kumar, Chandra Shekhar Kumar, Nand Kishore Mahto and Mohan Kumar. The Informant conducted search of these persons in presence of independent witnesses and alleged levy/extorted amount of Rs. 25,38,000/- was recovered. The co-accused were unable to show any document and one of the co-accused confessed before the Informant that the PLFI Supremo Dinesh Gope had instructed him on mobile phone after the Central Government Policy of demonetization to deposit the amount.

3. It was further confessed by a co-accused that levied, extorted money was given by PLFI extremist organization for getting it converted white money by depositing in the name of the said petrol pump. Accordingly, all the said articles were seized in presence of independent witnesses and seizure list was prepared. On these grounds, the informant claimed that these accused persons were involved in the extortion of levied amount and such ill-gotten money was being converted by hardcore outlawed PLFI extremist people which is dangerous to the national interest and helpful for the extremist organization. Accordingly, a First Information Report was instituted against six accused persons including four arrested persons namely Binod Kumar, Chandra Shekhar Kumar, Nand Kishore Mahto and Mohan Kumar.

4. The Central Government in exercise of the power under Sub-Section (5) of Section 6 read with Section 8 of the National Investigating Agency Act, 2008, vide MHA New Delhi CTCY Order No. 11011/51/2017/IS-IV dated 16.01.2018 suo motu directed the NIA to take up the investigation of the case, and accordingly, Bero P.S. Case No. 67 of 2016 dated 10.11.2016 was re-registered as RC 02/2018/NIA/DLI dated 19.01.2018 under Section 13,17, 40 of the Unlawful Activities (Prevention) Act, Sections 212, 213, 414, 34 of the Indian Penal Code and Section 17 of the Criminal Law Amendment Act.

5. It is submitted by the learned counsel for the appellant that the judgment and order dated 20.06.2020 passed in Special (NIA) Case No. 02 of 2018 by the learned Court below was challenged before this Court in Criminal Appeal (DB) No. 556 of 2020 and this Court had dismissed the appeal of the Appellant vide judgment dated 06.05.2022 with observation to renew his prayer for bail, if trial is not concluded within one year.

6. It is submitted that the judgment dated 06.05.2022 was thereafter challenged in Special Leave Petition (Criminal) No. 5418 of 2022 before the Hon'ble Supreme Court, was dismissed as withdrawn on behalf of the appellant on 18.08.2022.

7. It is submitted that recently a co-accused Jitendra Kumar has been granted bail recently on 08.05.2023 by this High Court in Criminal Appeal (DB) No. 514 of 2020, inter alia, on the grounds of time spent in custody and non-likelihood of completion of trial.

8. It is submitted that the charge sheet filed by the NIA described the operations conducted by the accused nos. 1-6 named in the initial case FIR by Bero PS as "First Module". Thereafter, the charge sheet seeks to allege that the brother in-law of Dinesh Gope, i.e., Sumant Kumar/ accused no. 7 and others set up the "Second Module" for launching funds. However, the role assigned to the Appellant is not of launching funds. There has been no recovery of anything incriminating from the Appellant. This is further supported by the fact that the Appellant was initially called upon as a witness under Section 160 of the CrPC after lodging of FIR on 29.04.2019.

9. Thereafter, the appellant was summoned from 27.07.2019 to 31.07.2019 during which time the NIA tortured and harassed the Appellant, causing him to go through depression. This was covered by the local media and was even recorded in the order/proceeding of the learned Trial Court dated 20.06.2020.

10. The appellant was arrested on 31.07.2019 and has been in custody since then.

11. The learned counsel for the appellant has tried to impress upon the Court by referring the evidence of the prosecution witness examined before the learned Trial Court mainly Rakesh Bhatia examined as PW-47, Faisal Moosa examined as PW-4, Satyen Joshi examined as PW-7, Sandeep Sharma, examined as PW-9, Mukesh Kumar Sinha examined as PW-14, Anand Khot examined as PW-32, Shailendra Kumar Ambast, (PW-79), Umesh Rajak (PW-91), Najmul Hoda, (PW-92).

12. It is submitted that the Appellant is a family man, having a wife and two children. While the Appellant has studied till 10 th Class, his wife had studied up-to 8th. It is submitted that the Appellant lost his father while the Appellant has been in custody i.e. on 20.11.2019 and was not even permitted to attend his funeral and last rites. Since the passing the Appellant's father, there is no elder in the family to take care of his wife and children, who are hand to mouth.

13. It is submitted that the learned Trial Court failed to consider that the Appellant had always cooperated and participated in the investigation. Notably, the Appellant had come to Ranchi readily upon being summoned by the NIA under Section 160 of the Cr. P. C. He was thereafter tortured by the NIA and was subsequently arrested and arrayed as an accused. The Appellant undertakes to join and assist the NIA and participate in trial regularly before the learned Trial Court, if granted bail.

14. Leaned counsel for the appellant has raised number of submission in support of his contention also.

15. Learned counsel is further submitted that one of the co-accused namely Jitendra Kumar has already been granted bail by the Division Bench of this Court in Criminal Appeal (DB) No. 514 of 2020 vide order dated 08.05.2023. Other Co-accused namely Binod Kumar, Chandra Shekhar Kumar, Nand Kishore Mahto and Rajesh Kumar @ Mohan Kumar has also been granted bail by the

Division Bench of this Court in Criminal Appeal (DB) No. 201 of 2020 vide order dated 03.10.2023. The other co-accused namely Jai Prakash Singh Bhuiyan has also been granted bail by the Division Bench of this Court in Criminal Appeal (DB) No. 14 of 2021 vide order dated 05.01.2024. It is submitted that however, bail of the co-accused namely Fuleshwar Gope has already been rejected by the Division Bench of this Court in Criminal Appeal (DB) No. 767 of 2022 vide order dated 21.03.2024.

16. Learned counsel for the appellant has relied upon the judgment rendered in the case of Gurwinder Singh Versus State of Punjab and Another reported in 2024 SCC Online SC 109 and in the case of Shoma Kanti Sen Versus The State of Maharashtra and Another reported in 2024 INSC 269 and in the case of Kalyan Chandra Sarkar Versus Rajesh Ranjan @ Pappu Yadav and Another reported in (2005) 2 SCC 42 and in the case of Mohammad Irfan Rehmatiali Shaikh Versus State of Maharashtra passed in Criminal Appeal No. 350 of 2023 dated 29.08.2023 by the Hon'ble Bombay High Court and in the case of Vernon Versus State of Maharashtra and Another reported in 2023 SCC Online SC 885 and in the case of Yedala Subba Rao and Another Versus Union of India reported in (2023) 6 SCC 65 and in the case of Jasbir Singh Versus State of Punjab passed in CRA-D-679-2022 vide order dated 13.12.2022 by the Punjab and Haryana High Court and in the case of Ashim @ Asim Kumar Haranath Bhattacharya @ Ashim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Versus National Investigation Agency reported in (2022) 1 SCC 695 and in the case of Thwaha Fasal Versus Union of India reported in (2021) 8 SCR 797 and in the case of Angela Harish Sontakke Versus State of Maharashtra reported in (2021) 3 SCC 723 and in the case of Union of India Versus K. A. Najeeb reported in (2021) 1 SCR 443 and in the case of Roopesh Versus State of Kerala and Ors. passed in CRL. Rev. Pet. No. 732 of 2019 vide order dated 17.03.2022 by the Kerala High Court and in the case of The State of Kerala and Ors. Versus Roopesh passed in Special Leave to Appeal (Crl.) No. 6981-6983/2022 vide order dated 23.09.2022 by the Hon'ble Supreme Court and hence, the appellant may be granted bail.

17. Learned counsel for the NIA has submitted that this Criminal Appeal is devoid of merit. It is submitted that the trial is at the fag end and has submitted that the prosecution is likely to close its evidence within four (4) to six (6) weeks or maximum within 45 days because the I. O. has to be examined. It is submitted that the petitioner was one of the main accused, who trying to secure surrender of prime accused-Dinesh Gope through illegal activities in connivance with other accused persons. It is submitted that trial is going on and 108 witnesses have been examined so far and the trial is likely to be concluded shortly. It is submitted that the appellant has received the amount of Rs. 2,00,000/- in the first installment in Yes Bank account and has further received Rs. 48,00,000/- from one Prasann Kumar Jain (Hawala Operator) to facilitate the surrender of prime accused- Dinesh Gope.

18. It is submitted that release of the accused at this stage would prejudice the trial and the appellant may tamper with the evidences. It is submitted that even the delay in trial has occurred due to filing of W. P. (Cr.) No. 226 of 2023 before the Hon'ble Division Bench of this Court, which was dismissed vide order dated 14.03.2024 and thereafter against the order dated 14.03.2024 passed in W. P. (Cr.) No. 226 of 2023, the appellant had preferred the Special Leave to Appeal (Crl.) No. 5615 of 2024, which is still pending before the Hon'ble Supreme Court. It is submitted that the

bail of the several accused persons, who were involved in channelizing the extorted money, have been rejected by this Court in Cr. Appeal (DB) No. 1026 of 2019 (Sumant Kumar), Cr. Appeal (DB) No. 59 of 2021 (Hira Devi), Cr. Appeal (DB) No. 544 of 2020 (Arun Gope), Cr. Appl. (DB) No. 55 of 2021 (Amit Jaiswal) respectively on 01.03.2021, 25.08.2021, 01.11.2022 and 13.02.2023 respectively and as such, the prayer for bail of the appellant may be rejected.

19. It is evident that during conducting further investigation by the NIA, first supplementary charge sheet was submitted on 20.10.2019 against eleven (11) accused persons and the appellant-Navinbhai Jayantibhai Patel was arrayed as an accused no. 12 by the NIA.

20. It further appears that even investigation NIA had submitted 2nd supplementary charge sheet on 24.07.2020 against seven (7) accused persons namely Shakuntala Kumar, Hira Devi @ Anita Devi, Jaiprakash Singh Bhuiyan, Amit Kumar @ Amit Jaiswal @ Amit Kumar Jaiswal, Fuleshwar Gope, M/s Bhavya Engicon Pvt. Ltd., M/s Shiv Aadi Shakti Minerals Pvt. Ltd., M/s Shiv Shaktisamridhi Infra Pvt. Ltd. It has been found during investigation by NIA that the appellant-Navinbhai Jayantibhai Patel was part of 2nd module for channelizing the illegitimate money into legitimate means and was working for Dinesh Gope (i.e. main accused no. 6) and which involved other accused persons namely Sumant Kumar, Nandlal Swarnkar, Jitender Kumar. Even the appellant was found involved in channelizing the collected funds from illegitimate sources and despite knowing the fact, the said fund are proceeds of levy collected from Contractors, businessmen etc. and were being used for procurement of explosives, arms and ammunitions and for committing disruptive activities. Even before issuing charge sheet against him, the appellant was given two notices under Section 160 of the Cr. P. C. on 23.04.2019 and 29.04.2019 respectively.

It appears that the appellant had received extorted money in cash of Rs. 2,00,000/- in his Yes Bank Account. It also appears that A-7 i.e. Sumant Kumar and Jitendra Kumar i.e. A-11 had received Rs. 48 Lakhs from one Prasann Kumar Jain (Hawala Operator) and which was handed over to Nandlal Swarnkar @ Nandlal Soni, A-8 and Navinbhai Jayantibhai Patel, A-12 (i.e. the appellant) in furtherance of the activities of PLFI.

21. It has been held by the Hon'ble Supreme Court in the case of Kalyan Chandra Sarkar Versus Rajesh Ranjan @ Pappu Yadav and Another reported in 2005 (2) SCC 42 that 2 nd bail application is not maintainable in change of circumstances.

22. It further appears that bail of the accused persons, who were involved in channelizing the extorted money have been rejected by this Court in Cr. Appeal (DB) No. 1026 of 2019 (Sumant Kumar), Cr. Appeal (DB) No. 59 of 2021 (Hira Devi), Cr. Appeal (DB) No. 544 of 2020 (Arun Gope), Cr. Appl. (DB) No. 55 of 2021 (Amit Jaiswal) respectively on 01.03.2021, 25.08.2021, 01.11.2022 and 13.02.2023 respectively.

23. While rejecting the bail of the accused Arun Gope, the Division Bench of this Court had taken note of the fact on 01.11.2022 that since 46 witnesses have already been examined, had directed the Trial Court below to take all possible steps to conclude the trial at the earliest.

24. It also appears from the supplementary affidavits filed by the appellant that there are certain rectification and charges have been amended and the learned Special Judge, NIA observed that few of the contents of allegations levelled against him, which was read over to him on the date of framing of charges, has not been incorporated, due to inadvertent mistake and which requires to be rectified and thereafter it was rectified vide order sheet dated 02.05.2024 by the learned Court below by observing that the Court may alter or add any charge before pronouncement.

Thus even alteration in the charge is of minor in the nature and no prejudice can be caused to the appellant.

25. It transpires that the charges were framed on 24.11.2021 under Section 120-B of the Indian Penal Code and Section 21 of the Unlawful Activities (Prevention) Act, 1967 on 24.11.2021 and charges were altered vide order dated 02.05.2024 only with respect to the allegation and the charges under Section 120-B of the Indian Penal Code and Section 21 of the Unlawful Activities (Prevention) Act, 1967 remained the same.

26. At this stage, it will be relevant to quote Section 21, Section 27 and Section 43(D) of the Unlawful Activities (Prevention) Act, 1967, which are as follows:

"Section-21:- Punishment for holding proceeds of terrorism.-- Whoever knowingly holds any property derived or obtained from commission of any terrorist act or acquired through the terrorist fund shall be punishable with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.
Section-27:- Issue of show cause notice before forfeiture of proceeds of terrorism.-(1) No order forfeiting any proceeds of terrorism shall be made under section 26 unless the person holding or in possession of such proceeds is given a notice in writing informing him of the grounds on which it is proposed to forfeit the proceeds of terrorism and such person is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of forfeiture and is also given a reasonable opportunity of being heard in the matter. (2) No order of forfeiture shall be made under sub-section (1), if such person establishes that he is a bona fide transferee of such proceeds for value without knowing that they represent proceeds of terrorism.

(3) It shall be competent for the Court to make an order in respect of the property seized or attached,-

(a) directing it to be sold if it is a perishable property and the provisions of section 459 of the Code shall, as nearly as may be practicable, apply to the net proceeds of such sale;

(b) nominating any officer of the Central Government or the State Government, in the case of any other property, to perform the function of the administrator of such property subject to such conditions as may be specified by the Court.

Section 43-D:- Modified application of certain provisions of the Code. --

(1) Notwithstanding anything contained in the Code or any other law, every offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code, and "cognizable case" as defined in that clause shall be construed accordingly.

(2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modification that in sub-section (2),--

(a) the references to "fifteen days", "ninety days" and "sixty days", wherever they occur, shall be construed as references to "thirty days", "ninety days" and "ninety days" respectively; and

(b) after the proviso, the following provisos shall be inserted, namely:--

"Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Court may if it is satisfied with the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of ninety days, extend the said period up to one hundred and eighty days:

Provided also that if the police officer making the investigation under this Act, requests, for the purposes of investigation, for police custody from judicial custody of any person in judicial custody, he shall file an affidavit stating the reasons for doing so and shall also explain the delay, if any, for requesting such police custody."

(3) Section 268 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modification that--

(a) the reference in sub-section (1) thereof--

(i) to "the State Government" shall be construed as a reference to "the Central Government or the State Government",

(ii) to "order of the State Government" shall be construed as a reference to "order of the Central Government or the State Government, as the case may be"; and

(b) the reference in sub-section (2) thereof, to "the State Government" shall be construed as a reference to "the Central Government or the State Government, as the case may be".

(4) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person accused of having committed an offence punishable under this Act. (5) Notwithstanding anything contained in the Code, no person accused of an offence punishable under Chapters IV and VI of this Act shall, if in custody, be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity of being heard on the application for such release:

Provided that such accused person shall not be released on bail or on his own bond if the Court, on a perusal of the case diary or the report made under section 173 of the Code is of the opinion that there are reasonable grounds for believing that the accusation against such person is prima facie true.

(6) The restrictions on granting of bail specified in sub-section (5) is in addition to the restrictions under the Code or any other law for the time being in force on granting of bail.

(7) Notwithstanding anything contained in sub-sections (5) and (6), no bail shall be granted to a person accused of an offence punishable under this Act, if he is not an Indian citizen and has entered the country unauthorisedly or illegally except in very exceptional circumstances and for reasons to be recorded in writing."

27. It further transpires that the appellant had filed W. P. (Cr.) No. 226 of 2023 before the designated Court of this Court for the following reliefs:-

"(i) For a declaration that there cannot be a charge bereft of the materials collected during investigation and a trial based upon such charge would be violative of Article 21 of the Constitution of India.

(ii) For issuance of an appropriate writ of, or in the nature of prohibition restraining the order dated 24.11.2021 in the Court of Sri Madhuresh Kumar Verma, learned Spl. Judge (AJC-XVI) Ranchi from proceeding with Trial of NIA (National Investigation Agency) case R.C. Case No.2/2018 charges till the compliance of Section 211(5), 212, 213 is made and the trial of the petitioner be segregated as there is/was no component of joint trial u/s 223 Cr.P.C."

28. It further transpires that even the appellant had challenged order framing charges by filing W. P. (Cr.) No. 226 of 2023 before the Hon'ble Division Bench of this Court and vide order dated 14.03.2024, the Hon'ble Division Bench of this Court has dismissed the said W. P. (Cr.) No. 226 of 2023.

29. Therefore, it is evident that the appellant evenafter rejection of the bail application before this Court, was taking chance before this Court by filing different petitions and also for delaying the trial to get benefit of the same.

30. It further appears that thereafter the appellant against the order dated 14.03.2024 passed in W. P. (Cr.) No. 226 of 2023, the appellant had filed the Special Leave to Appeal (Crl.) No. 5615 of 2024, which is still pending.

31. It is evident that this Court had rejected the bail of the appellant on merits as it was satisfied that prima facie case is made out against the appellant.

32. It also transpires from the pleadings and the case diary submitted earlier by the NIA that the appellant was instrumental as main person in securing surrender of the main accused Dinesh Gope in the name of Home Minister and whereby amounting to secure the surrender of extremists in the name of Home Minister and which amounts to questioning the criminal administration of justice by means of coins. Therefore, this Court finds that taking lenient view for such a person would amount to destabilising not only the police administration but also lives of citizens of this country.

33. This Court refrains itself from giving any findings on the question of evidence led before the learned Trial Court below. Although deposition of certain witnesses have been brought on record as this may cause prejudice to the learned Court below and made affect the merits of the trial. The Trial Court should be allowed to apply its mind independently and this Court is not inclined to look into and evaluate the evidence of the prosecution witnesses on merit at this stage.

34. Therefore, this Court refrains himself from observing the evidence of prosecution witness, which have been filed on behalf of the appellant as several prosecution witnesses have named this appellant.

35. However, this Court also finds that there is money transaction against two different accused persons including the appellant of this case with regard to money and active involvement of the appellant.

36. So far as judgment rendered in the case of Javed Gulam Nabi Shaikha Versus State of Maharashtra and Another passed in Criminal Appeal No. 2787 of 2024 arising out of SLP (Crl) No. 3809 of 2024 vide order dated 03.07.2024 by the Hon'ble Supreme Court is concerned, the same is not applicable in the facts and circumstances of the case and in the above case, the bail of the said accused was declined by the Hon'ble Bombay High Court in a NIA case and had remained in custody for around four (4) years and it was with regard to allegation for recovery of 1193 numbers of counterfeit Indian currency notes of the denomination of Rs. 2,000/- from a bus stop at Terminal-II Chhatrapati Shivaji Maharaj International Airport, Andheri and till that date, charges were not framed by the learned Trial Court below. However, the above case, the charges have been framed and the prosecution case is on the verge of closure. Hence, the above judgment is not applicable on the facts and in the circumstances of the case.

37. So far as the judgment rendered by the Hon'ble Supreme Court in the case of Gurwinder Singh Versus State of Punjab and Another reported in 2024 SCC Online SC 109 is concerned, the same is not applicable in the facts and circumstances of the case.

38. Mere Delay in trial pertaining to grave offences cannot be used as ground to grant bail by observing that prima facie case is made out against the said accused. Although, the said accused was in custody for last five (5) years.

39. So far as the judgment rendered by the Hon'ble Supreme Court in the case of Shoma Kanti Sen Versus The State of Maharastra and Anr. Passed in Criminal Appeal No. 2595 of 2023 vide order dated 05.04.2024 reported in 2024 INSC 269 is concerned, the same is not applicable in the facts

and circumstances of the case because the case relates to giving provocative speeches, which resulted into disruption of communal harmony, violence and loss of life and the Hon'ble Supreme Court has noticed that she had not delivered any provocative speech and she was not named in the FIR in the initial and the allegation against the said accused was that she participated in some meetings and had made attempt to encourage women to join the struggle for new democratic revolution, which do not reveal the commission of an offence under Section 18 of UAP Act, 1967.

40. However, in the present case, there is direct allegation against the appellant for trying to secure the surrender of terrorist Dinesh Gope and had alleged to have received certain amounts in his Bank Account and had also received certain amounts to the extent of Rs. 48,00,000/-.

41. The learned Court below has observed that there is direct and specific allegation against the appellant and there is evidence that the appellant and other accused namely Nandlal Swarnkar @ Nandlal Soni, A-8 had received Rs. 48,00,000/- and which appears to be prescribed manner. The Court below has further observed that prima facie case is made out under Section 43 D (5) of the U A (P) Act 1967, even the learned Court below has discussed in its impugned order that several prosecution witnesses namely Manish Sinha i.e. P.W.-63, Shri Weldon Anupam Lakra i.e. P.W.-70, Shri Shailendra Kumar Ambasht, i.e. P.W.-85, Shri Faisal Moosa, i.e. P.W.-56, Shri Satyen Bhai Joshi, i.e. P.W.-67, Shri Sandeep Sharma, i.e. P.W.-84, Shri Rakesh Bhatia, i.e. P.W.- 86, Shri Umesh Rajak, i.e. P.W.-105, Shri Sunil Kumar Saw i.e. P.W.-106, Shri Najmul Hoda, i.e. P.W.-107 and Sh. Anand Khot i.e. P.W.-133 had also pointed out against the appellant. The learned Court below has also discussed the documents numbers. 01, 51, 55, 56, 58, 59, 60, 65, 66, 68, 75, 76, 78, 83, 88, 89, 90, 91, 93, 98, 107, 188, 228, 231 and had pointed out that these documents are against the appellant. Even the learned Court below has pointed out that there are series of telephonic conversations among the appellant and different co-accused persons Sumant Kumar i.e. A-7, Nandlal Mahto i.e. A-8, Chandrashekhar i.e. A-9 and Jitendra Kumar i.e. A-11.

42. This Court finds from the submission of the learned counsel appearing for the NIA that the prosecution case is likely to be concluded within 45 days and as such, it is expected that the prosecution will its close the case at the earliest.

43. Thus, in view of the above, I find no merit in this Criminal Appeal and accordingly, Criminal Appeal (DB) No. 1474 of 2023 is dismissed.

(Rongon Mukhopadhyay, J.) I agree (Rongon Mukhopadhyay, J.) (Sanjay Prasad, J.) Kamlesh/ N.A.F.R.