

**IN THE COURT OF MS. GEETANJLI GOEL,
ASJ/SPL. JUDGE (PC ACT) (CBI)-24,
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

CNR No.DLCT11-000630-2022

CC No.59/2022

CBI Vs. Lalu Prasad Yadav & Ors.

RC No.220 2022 E 0007 Dated 18.05.2022

under Section 120-B IPC r/w Sections 467 and 471 IPC and

Sections 11, 12 of the PC Act,

1988 (as stood before amendment of 2018)

and Section 13 (2) r/w Section 13 (1) (d) of the PC Act, 1988

(as stood before amendment of 2018)

and other substantive offences thereof

27.02.2023

Present : Sh. Manu Mishra, Ms. Shreya Dutt, Advocates
along with IO/Dy. SP. Rupesh Kumar Srivastava for
CBI.

Sh. R.K. Naroola, Ld. Counsel along with
Advocates-Sh. Udayan Mukerji and Ms. Ria Jain
for accused no.15 Kamal Deep Main Rai.

1. The charge sheet was filed on 10.10.2022 for offences under Section 120B IPC read with Sections 467 and 471 IPC and Sections 11, 12 of the Prevention of Corruption Act, 1988 (as stood before amendment of 2018) (hereinafter referred to as the PC Act, 1988) and Section 13 (2) read with Section 13 (1) (d) of the PC Act, 1988 against 16 accused persons. Thereafter sanction was obtained in respect of A1, A15 and A16 and the same has been taken on record.
2. As per the charge sheet, the case was registered, pursuant to the outcome of Preliminary Enquiry against A1 Shri Lalu Prasad Yadav, the then Minister of Railways and others and unknown

public servants and private persons. It is alleged in the FIR that S/Shri Raj Kumar Singh, Mithlesh Kumar, Ajay Kumar, Sanjay Rai @ Sanjay Kumar, Dharmendra Rai @ Dharmendra Kumar, Vikas Kumar, Pintu Kumar, Dilchand Kumar, Prem Chand Kumar, Lal Chand Kumar, Hridyanand Choudhary and Abhishek Kumar, although residents of Patna, Bihar were appointed as Substitutes in Group-D posts during the period 2004-2009 in different zones of Railways located at Mumbai, Jabalpur, Kolkata, Jaipur and Hajipur and in lieu thereof, the individuals themselves or their family members transferred their land in the name of family members of A1, the then Minister of Railways, Government of India and a company M/s AK Infosystems Private Limited, which was subsequently taken over by the family members of A1. It is further alleged that about 1,05,292 sq. ft. land situated at Patna was acquired by the family members of A1 from the said persons through 05 sale deeds and 02 gift deeds and in most of the sale-deeds, payment to the sellers was mentioned to be paid in cash. The current value of the said land as per existing circle rate was about Rs.4,39,80,650/-. The land which was directly purchased by the family members of A1 from the sellers was purchased at lower rates than the prevalent circle rates whereas the prevalent market value of land was much higher than the circle rate.

3. It is further alleged that no advertisement or any public notice was issued for appointment of Substitutes in Zonal Railways, yet the Substitutes who are residents of Patna were appointed as Substitutes in different Zonal Railways located at Mumbai, Jabalpur, Kolkata, Jaipur and Hazipur and undue haste was

shown in processing the applications of candidates and their appointments as Substitutes were approved. The due procedure and guidelines/instructions issued by Railway Authority for appointment of Substitutes in Railways was not followed and later on, their services had also been regularized. A1 was the Minister of Railways, Government of India during the period from 2004 -2009.

4. After the registration of FIR, investigation was carried out which revealed that A1 during the period 2007-08, when he was the Minister of Railways, Government of India, with the intent to acquire the land parcels situated in Village Mahuabagh, Patna and Village Kunjwa, Patna, which were situated adjacent to the land parcels already owned by his family members entered into a criminal conspiracy with his wife and others and in pursuance thereto, irregular appointments of candidates were made in Central Railways, violating the laid down norms and procedures of Indian Railways for recruitment. As a *quid pro quo*, the candidates directly or through their immediate relatives/ family members, sold land to the family members of A1 at highly discounted rates up to 1/4th to 1/5th of the prevailing market rates. In pursuance of the said criminal conspiracy, A1 influenced A15 and A16, who were officers of Central Railways by virtue of his position as Minister of Railways, Government of India and got appointed the owners (A7 and A8) and family members of owners (A4 to A6 and A9 and A10) of the land parcels wherein he was having interest, as Substitutes in Group-D in Central Railway whereas there was no required urgency for engagement of Substitutes in terms of prevalent guidelines issued by the

Railways. The appointees, with fraudulent intention submitted their applications to Minister of Railways enclosing false/ forged School Transfer Certificates prepared with the help of A14 (Shri Ramashish Singh). All the candidates after their engagement as Substitutes, were subsequently regularized. In lieu of getting them appointed in Railways, A1 got the lands transferred in the name of A2 (Smt. Rabri Devi) and A3 (Smt. Misa Bharti) for sale consideration which was much lesser than the prevailing circle rates as well as the prevailing market rates. Reference was made to various Circulars of Railways.

5. It is stated in the charge sheet that the present chargesheet was in respect of only 7 FIR named candidates who were engaged in Central Railways, Mumbai and investigation in respect of other zones is still continuing. Investigation had revealed that three parcels of land situated at Village Mahuabagh and Village Kunjwa, Bihta, Patna were transferred in the names of A2 and A3. In lieu of the same, 9 persons were engaged as Substitutes in Group-D in Central Railways in close proximity of the transfer of land parcels. As per the FIR, 7 persons were appointed as fresh face Substitutes in Group D in Central Railways, however, investigation revealed that two more family members/ relatives of the said 7 candidates were engaged during the same period. Investigation also revealed that in respect of engagement of the said candidates, their applications were processed in a hasty manner and engagements were approved in violation of the due procedure and guidelines issued by Ministry of Railways through various circulars from time to time. Approval of engagement was done within a week or even less. There were several anomalies

found in the applications of the candidates and the documents that were enclosed due to which the applications should not have been processed and their engagement should not have been approved but it was done. Further, in most of the cases, the candidates joined their jobs in respective divisions on much later dates which defeated the purpose of appointment of Substitutes and in some cases, the candidates could not clear their medical examination under the required category to which their engagement was made and subsequently they were considered and appointed on the posts where inferior/ lower medical category was required.

6. It is stated that investigation had revealed that the candidates were considered for their engagement without any need for Substitutes and there was no urgency for their appointment which was one of the main criteria behind the engagement of Substitutes and they joined their duties much later from the approval of their appointment and they were subsequently regularised. It is stated that permission to conduct investigation under Section 17A PC Act, 1988 was taken qua A15 and A16, which formed part of the charge sheet. It is stated that further investigation in respect of remaining FIR named accused persons is continuing. It is stated that the commissions and omissions of A1 to A16 constituted offences punishable under Sections 120B read with Sections 420, 467, 468, 471 IPC and Sections 8, 9, 11, 12 and 13(2) read with Section 13(1)(d) of the PC Act, 1988 and substantive offences thereof.
7. I have heard the Ld. SPP for CBI and also perused the record including the documents. A perusal of the charge sheet and the

documents and material on record, *prima facie* shows commission of offences under Section 120B read with Sections 420, 467, 468 and 471 IPC and Sections 8, 9, 11, 12, 13 (2) read with Section 13 (1) (d) of PC Act, 1988 and substantive offences thereof. Accordingly, cognizance is taken of the said offences.

8. Charge sheet was filed without arrest in respect of the accused persons except A8 who is on bail at present. Issue summons to the accused persons for 15.03.2022.
9. The Ld. Counsel for A-15 who is present in court submits that he is accepting the summons on behalf of A-15.
10. Put up for appearance of A-15 and summoning of the other accused persons for **15.03.23**

(Geetanjli Goel)
ASJ/Spl. Judge (PC Act)
CBI-24, (MPs/MLAs Cases),
Rouse Avenue District Court,
New Delhi/27.02.2023