

MHCC020023592008



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Exhibit No.137

IN THE COURT OF SPECIAL JUDGE (CBI) FOR GREATER BOMBAY

**CBI SPECIAL CASE NO.35 OF 2008**

**(RC/BA1/2006/A0032, CBI, ACB, Mumbai.)**

The Central Bureau of Investigation,  
Anti Corruption Bureau, Mumbai.

**.. Prosecution**

**V/s.**

Faraz Sultan Khan  
Aged about 47 years,  
R/o. Yusuf Manzil, Nawab Gate,  
Rampur, U.P. Police Station,  
Kothwali P.O. Rampur.  
(Mustafabad, Delhi).

**.. Accused**

**Appearance :**

Ld. SPP P.K.B. Gaikwad for the Prosecution/CBI, ACB, Mumbai.  
Ld. Advocate Saeed Akhtar for Accused.

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CORAM : M.R.PURWAR,  
SPECIAL JUDGE (CBI)  
COURT ROOM NO. 53

DATE : 03<sup>rd</sup> NOVEMBER, 2023

**J U D G M E N T**

Accused Faraz Sultan Khan stands prosecuted for the offence under Section 416 punishable under Section 419 r/w. 511 of Indian Penal Code (in short IPC) and Sections 8 and 9 of the Prevention of Corruption Act, 1988 (in short PC Act).

2. The case of the prosecution in brief can be stated as under :

A written complaint has been received on 10.05.2006 from Ketan K. Tirodkar alleging therein that one Faraz Khan had demanded Rs.30 Lacs from him for getting favourable verdict in Criminal Application No. 6572/2005 filed by the State of Maharashtra in the High Court of Bombay and pending before the Hon'ble Mr. Justice A (the name is not disclosed and hereinafter referred as, "Hon'ble Mr. Justice of Hon'ble Bombay High Court") against the order of MCOC Court, Mumbai granting him bail.

3. It is alleged in the said complaint that the complainant is a private complainant in Special MCOC Case No. 4/2003 against police-underworld nexus. The State of Maharashtra had filed Criminal Application No. 6572 of 2005 before the Hon'ble Bombay High Court seeking cancellation of bail granted to the complainant by Special Court of MCOC, Mumbai and he is contesting the same. On 28.03.2006 he had filed Intervention Application in Special Leave Petition No. 103 of

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2006 before the Hon'ble Supreme Court of India and after receiving a letter from Registrar of Supreme Court, he had removed a defect on 1st May, 2006. On 2nd May, 2006 he had filed Intervention Application in SLP No. 1694/2006 filed by State of Maharashtra.

4. It is also alleged in the said complaint that in the evening of 2<sup>nd</sup> May, 2006 he was approached by one Mr. Faraz Khan, resident of Delhi, through a common friend from Pune. This duo came to his Room No. 56 in the Indian Institute of Public Administration, New Delhi in the late evening of 2<sup>nd</sup> May, 2006. This Faraz spoke to the complainant about his close association with some Central Ministers and claimed to be brother-in-law of Hon'ble Mr. Justice B of Delhi High Court (the name is not disclosed and hereinafter referred as, "Hon'ble Mr. Justice of Hon'ble Delhi High Court").

5. It is further alleged in the said complaint that he was in the process of consulting some eminent lawyers from Supreme Court in connection with the Criminal Application 6572/2005. He had spoken to Advocate Uday Dube of Supreme Court over telephone the same evening and Advocate Mahesh Jethmalani, who was recovering from a surgery in London. After learning about the high profile contacts of Faraz Khan he requested him to arrange for a lawyer on charity basis to appear for him in the hearing of Criminal Application 6572/2005 that was scheduled for 4<sup>th</sup> May, 2006 before Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) of Bombay High Court. On this Faraz Khan asked the complainant to write down the details of the date and application number so that he would arrange to ask some

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junior lawyer to seek time so that some senior Counsel would be requested on charity basis to appear at a later date. Thus, the complainant did write the number of criminal application, the name of Hon'ble Lordship and the date of hearing. The complainant then left for Mumbai on the next day i.e. 3<sup>rd</sup> May, 2006. He called up Faraz Khan on his cell in the evening to inquire about the development on which Faraz Khan said that he would revert back.

6. It is also alleged in the complaint that the complainant had received a call from Faraz Khan after some time same evening i.e. 3<sup>rd</sup> May, 2006 and Faraz Khan stated him that his job was done and Faraz Khan asked him to call back. The complainant did call him back from a STD booth and Faraz Khan stated that he would require to spend Rs. 30 Lacs for the job of getting a favourable verdict in Criminal Application No. 6572/2005. The complainant was shocked and could not react. He came back to home and received a missed call from Faraz Khan. As such he called him up. Faraz Khan said that he would require two first class Air Tickets from Delhi to Mumbai next morning and a stay in a Five Star Hotel for two so that message would be conveyed to the concerned in Bombay High Court before 11.00 a.m. Complainant had expressed his inability to comply with the requirements and thanked him for concern. The complainant did not counter him in any way since he did not want to create enemies.

7. It is alleged in the complaint that the next morning the complainant had appeared before Hon'ble Mr. Justice A (Hon'ble Mr. Justice of Hon'ble Bombay High Court) and pleaded for allowing him

to appear for Law examinations and to perform engagement. The prosecution did not object and the time was granted upto 19<sup>th</sup> May, 2006. Same evening or next afternoon Faraz Khan called up complainant and said that the job was done. The complainant got alert and decided to trap humbug of Faraz Khan. By this time the complainant was doubly sure that the case was being heard on merits and time was granted firstly for lack of a specific Court order and then further extended after he produced University Hall Ticket and pleaded about his engagement. He deliberately thanked Faraz Khan for all the concern and requested him to call on his MTNL Landline after some time. The complainant then attached a recording equipment to his MTNL Landline and recorded the conversation between him and Faraz Khan. The complainant borrowed two days time to arrange for Rs. 30 Lacs on ground that his aunt would be sending it from United States. On this Faraz Khan told him that he was to be in Lucknow on Saturday, 6<sup>th</sup> May for a marriage and would be back in Delhi on Sunday.

8. It is further alleged in the complaint that the complainant then received a call from his Pune based friend Milind Gaikwad on Saturday night and again on same night which again he recorded. He formed the same line that he wanted to pay the money demanded by Faraz Khan on behalf of Hon'ble Mr. Justice B (Hon'ble Mr. Justice of Hon'ble Delhi High Court). The complainant then received a call from Faraz Khan on Sunday afternoon and his mother has asked Faraz Khan to call on their MTNL number at around 6 P.M. This she did on his request since complainant had attached recording machine to the MTNL number. The complainant received a call again on Monday, 8<sup>th</sup> May, late

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evening from Faraz Khan on his MTNL landline. Then complainant has also recorded this conversation in which complainant insisted that his cousin who is bearing the expenses would like to discuss a Supreme Court verdict with Hon'ble Mr. Justice B (Hon'ble Mr. Justice of Hon'ble Delhi High Court) as this verdict the complainant had annexed with his affidavit reply before the Hon'ble Bombay High Court. On this request from complainant, Faraz Khan said that Ahmed saheb would not meet anyone, but on his insistence Faraz Khan said that we would work out when we meet in person.

9. It is again alleged in the complaint that he has been fighting a lonely battle against some evils in the system. A witness in the MCOC Case No. 4/2003 had also instituted a private complaint. He has also filed private complaint case against Gutkha Baron R. M. Dhariwal, Mumbai Police Commissioner A. N. Roy and former CBI Director U. S. Mishra for having conspired to sabotage investigation in the in-famous Gutkha case. His legal submissions were upheld in totality by majority view of the Hon'ble Full Bench of Bombay High Court in their judgment dated 22.12.2005. Due to this judgment fate of many powerful persons accused in various MCOC cases came in danger. Immediately after this judgment the State of Maharashtra filed Criminal Application No. 6572/2005 seeking cancellation of bail granted to him by Special Court in his own complaint case registered against him at his instance.

10. It is also alleged in the complaint that the cell numbers of Faraz Khan are 9811788126 and 9811788137 as well as MTNL number of the complainant is 2435788 and the number of TATA Phone is

5615536.

11. The verification of the complaint was undertaken and in this regard a letter dated 24.07.2006 from Shri V. K. Jain, Court Administrator- cum-Registrar General, Supreme Court of India, New Delhi was received on 04.08.2006 to the CBI informing that Hon'ble Mr. Justice B (Hon'ble Mr. Justice of Hon'ble Delhi High Court) of Delhi High Court has no brother-in-law by name Faraz Khan. The alleged demand was an attempt to cheat the complainant and in the process it also denigrates the judiciary. As such RC/BA1/2006/A0032 was registered by the CBI, ACB, Mumbai on 14.08.2006 for the offence under Section 416 of Indian Penal Code punishable under Section 419 of the Indian Penal Code alongwith Sections 8 and 9 of the Prevention of Corruption Act, 1988.

12. The investigation was marked to K. Babu, Dy. Supdt. of Police, CBI, ACB, Mumbai. During the course of investigation, the Investigating Officer had obtained permission from the concerned Court and visited the Arthur Road, Central Prison, Mumbai and recorded statement of the complainant. It revealed from the complainant that he had handed over cassettes of the telephonic recording to press reporter Mr. Jayesh Shirsath and another copy was given to the mother of the complainant by the complainant. The Investigating Officer had also visited residence of the complainant and seized the copy of Audio cassette containing telephonic recording, copy of order dated 04.08.2005 in Bail Application No. 24/2005 in MCOC Case No. 11/2004 passed by Special Judge, Mumbai under MCOC Act, copy of

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orders dated 23.05.2006, 24.05.2006 and 05.06.2006 passed by the Hon'ble High Court, Bombay in Criminal Application No. 6572/2005 from the mother of the complainant vide Production-Cum-Seizure Memo dated 12.09.2006 Exh.88-colly. The cassettes available with press reporter Jayesh Shirsath (PW-7) were seized on 19.09.2006 vide Production-Cum-Seizure Memo Exh.97 in presence of panchas. On 30.04.2008 the Investigating Officer had also seized telephone-cum-recording machine of Fonotel Model from mother of complainant vide Production-Cum-Seizure Memo Exh.88-colly.

13. On 03.03.2008 the Investigating Officer had prepared Transcription Panchnama and Transcriptions Annexure-A and Annexure-B vide Exh.78-colly in presence of panchas on the basis of conversation recorded in the cassettes recovered from press reporter Jayesh Shirsath (PW-7). Annexure-A to the panchnama is the conversation between complainant and Milind Gaikwad (PW-4). Annexure-B to the panchnama is the conversation between the complainant and accused.

14. During further investigation the Investigating Officer had confirmed the installation of telephone lines at the residence of the complainant and collected CDR with Certificate from the service provider alongwith relevant documents. The CDR from the service provider of the mobile numbers used by the accused were also collected alongwith Certificate. The certified copy of the Visitors Register (Exh.55) of Indian Institute of Public Administration, New Delhi was also collected to show stay of complainant at New Delhi in between



29.04.2006 and 03.05.2006.

15. Investigating Officer has arrested the accused. On 04.03.2008 the specimen voice of the accused was collected in Audio cassette in presence of panchas and Voice Specimen Panchnama (Exh.95-colly.) was prepared alongwith Annexure-A which is the text given to accused for reading. Thereafter, the suspected voice and the voice specimen were sent to CFSL, New Delhi for Spectrographic Test.

16. The statement of the witnesses have also been recorded. On completion of investigation, the charge-sheet was filed on 08.07.2008. Later-on, vide order below Exh.76 on dated 13.03.2019 the prosecution was permitted to produce attested copy of the Forensic Voice Examination Report/Spectrographic Report(Exh.106)dated 28.07.2008. Thereafter, on 20.06.2019 the prosecution has filed application Exh.84 for depositing telephone-cum-recording machine of Fonotel Model (Article-3/1) and vide order dated 20.06.2019 has deposited the same. Later-on, on 09.03.2021 the prosecution has filed application Exh.108 for depositing a CD along-with container (true copy of Exh'C' and Exh.'D') and Certificate under Section 65-B of Evidence Act (Article-4/1 colly.) and vide order dated 09.03.2021 has deposited the same.

17. A charge vide Exh.44 has been framed against the accused for the offence under Section 416 of Indian Penal Code punishable under Section 419 r/w. 511 of Indian Penal Code as well as under Sections 8 and 9 of the Prevention of Corruption Act, 1988 by the Ld. Predecessor. The charge was read over and explained to the accused in

vernacular vide Exh.45. He pleaded not guilty and claimed to be tried.

18. In order to prove the charge, the prosecution has examined in all 11 witnesses and also submitted documentary evidence. The prosecution has submitted evidence closure pursis Exh.128. The defence has not adduced defence evidence. The statement of the accused under Section 313 of Code of Criminal Procedure came to be recorded vide Exh.129. The accused has denied the incriminating circumstances and urged false prosecution.

19. Heard Ld. SPP P.K.B. Gaikwad for CBI and Ld. Advocate Saeed Akhtar for accused. They have also submitted written notes of arguments vide Exh.131, Exh.134 and Exh.135 respectively. I have gone through with the same. Both the sides have also relied upon several case laws. The Ld. SPP has submitted list of case laws vide pursis Exh.131-A and later-on submitted another pursis Exh.132 informing that the case law at Sr. No. 5 below list of case laws Exh.131-A is not relevant and not relied upon.

20. The following points arise for determination and findings thereon with reasons are as under :

Sr. No.	POINTS	FINDINGS
1	Whether the prosecution proved that in the month of May-2006 in a room of hostel of Indian Institute of Public Administration, New Delhi one Milind Gaikwad of Pune has introduced accused	

	<p>with the complainant Ketan Tirodkar and at that time accused spoke about his close association with some Central Ministers and cheated the complainant by pretending himself to be the brother-in-law of Hon'ble Mr. Justice B (Hon'ble Mr. Justice of Hon'ble Delhi High Court) sitting (then) Judge of Hon'ble Delhi High Court when complainant requested accused to help him in his pending bail matter i.e. Criminal Application No. 6572/2005 before Hon'ble High Court, Bombay and further accused on telephonic talk with complainant at Dombivali made demand of Rs. 30 lacs on behalf of Hon'ble Lordship for favorable verdict and fraudulently and dishonestly made an attempt to induce complainant to deliver said property namely Rs. 30 Lacs and that thereby committed an offence under Section 416 punishable under Section 419 r/w. Section 511 of Indian Penal Code ?</p>	<p>.. No</p>
2	<p>Whether the prosecution proved that in the month of May-2006 in a room of hostel of Indian Institute of Public Administration, New Delhi one Milind Gaikwad of Pune has introduced accused with the complainant Ketan Tirodkar and at that time accused spoke about his close association with some Central Ministers and claimed to be</p>	

	<p>the brother-in-law of Hon'ble Mr. Justice B (Hon'ble Mr. Justice of Hon'ble Delhi High Court), sitting (then) Judge of Hon'ble Delhi High Court when complainant requested accused to help him in his pending bail matter i.e. Criminal Application No. 6572/2005 before Hon'ble High Court, Bombay and further accused on telephonic talk with complainant at Dombivali made demand of Rs. 30 lacs on behalf of Hon'ble Lordship for favorable verdict and agreed to accept or attempted to obtain from the complainant for himself the gratification of Rs. 30 Lacs as a motive or reward for inducing by corrupt or illegal means, the public servant for favorable verdict and thereby committed an offence punishable under Section 8 of the Prevention of Corruption Act ?</p>	<p>..No</p>
<p>3</p>	<p>Whether the prosecution proved that in the month of May-2006 in a room of hostel of Indian Institute of Public Administration, New Delhi one Milind Gaikwad of Pune has introduced accused with the complainant Ketan Tirodkar and at that time accused spoke about his close association with some Central Ministers and claimed to be the brother-in-law of Hon'ble Mr.Justice B (Hon'ble Mr. Justice of Hon'ble Delhi High</p>	

	<p>Court), sitting (then) Judge of Hon'ble Delhi High Court when complainant requested accused to help him in his pending bail matter i.e. Criminal Application No. 6572/2005 before Hon'ble High Court, Bombay and further accused on telephonic talk with complainant at Dombivali made demand of Rs. 30 lacs on behalf of Hon'ble Lordship for favorable verdict and agreed to accept or attempted to obtain from the complainant for himself the gratification of Rs. 30 Lacs as a motive or reward for inducing by exercise of personal influence on the public servant to show favour to the complainant and thereby committed an offence punishable under Section 9 of the Prevention of Corruption Act ?</p>	..No
4	What order?	As per final order.

### REASONS

#### **Undisputed facts:**

21. At the outset it is relevant to note certain following material undisputed facts which emerges from the material on record and from the submission of Ld. Advocate of accused that in the case in hand the accused is a private person and not a public servant. Therefore, there is no question of sanction for the prosecution. It is also not in dispute that at the relevant time Criminal Application No.

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6572/2005 was pending before the Hon'ble High Court, Bombay, which was preferred by the State of Maharashtra under Section 439(2) r/w. Section 482 of the Code of Criminal Procedure challenging the order passed by the Special Judge under Maharashtra Control of Organized Crimes Act, 1999 ( In short MCOCA), Mumbai dated August 4, 2005 in Bail Application No. 24/2005 in MCOCA Special Case No. 11/2004 granting interim bail to the complainant herein.

22. The prosecution has examined in all 11 witnesses namely :

Sr.No.	Witness Names	Exhibits
PW-1	Rajeshkumar Sadhuram (Clerk in the hostel of IIPA, Delhi).	Exh.52
PW-2	Gulshan K. Arora (Nodal Officer, Hutchison-Essar Mobile Services Ltd.).	Exh.68
PW-3	N.K. Choudhary (Commercial Officer, BSNL, Thane).	Exh.70
PW-4	Milind S. Gaikwad ( a person having acquaintance with complainant ).	Exh.77
PW-5	Ketan K. Tirodkar (Complainant).	Exh.85
PW-6	Ravinder R. Gupta (Panch on Transcription Panchnama and Voice Specimen Panchnama).	Exh.94
PW-7	Jayesh V. Shirsath ( a person having acquaintance with complainant, handed over two Audio cassettes to CBI and present at the time of Transcription Panchnama).	Exh.96
PW-8	Dattatraya Sawant ( Nodal Officer, TATA Tele Services, Navi Mumbai).	Exh.99

PW-9	K. Babu (I.O.).	Exh.102
PW-10	Dr. Rajinder Singh ( Retired Director of CFSL, New Delhi).	Exh.105
PW-11	Chotelal Ramanand Yadav (Panch on Transcription Panchnama and Voice Specimen Panchnama).	Exh.125

23. The prosecution has produced the following documents:-

(‘D’-refers to the number of document serially as per list of documents submitted by the CBI with the charge-sheet)(‘Colly.’- refers to ‘Collectively’)

Sr. No.	'D' No.	Exhibit and Document number	Document details
1	D-13	Exh.55	Red encircled entry at Sr. No. 268 on certified copy of the Visitor Register of Indian Institute of Public Administration, New Delhi.(page No. 146).
2	D-7	Exh.69-colly.	Forwarding letter dated 12.04.2007 of Nodal Officer Hutch and signature of Nodal Officer on each page of CDR (Page Nos. 35-81).
3	D-7	Exh.69-A	CDR of Mobile Nos. 9811788126 and 9811788137 (Page Nos. 35-81) alongwith Certificate u/s. 65-B of Evidence Act.
4	D-10	Exh.71-colly.	Letter dated 19.03.2008 of Mr. N.K. Choudhary, Commercial Officer, BSNL, Dombivali alongwith enclosures (Page Nos. 119 to 127).
5	D-6	Exh.72	Letter dated 11.04.2007 addressed to Chief Nodal Officer, Hutch Mumbai (Page No. 34).
6	D-8	Exh.78	Transcript Annexure A to the Transcription

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			Panchnama dated 03.03.2008 (Page Nos. 106-114).
7	D-2	Exh.86	Original handwritten complaint of Ketan Tirodkar (Page Nos.19 to 29).
8	D-1	Exh.87	FIR in RC 32(A)/06 dated 14.08.2006 (Page Nos. 1 to 18).
9	D-4 and D-18	Exh.88-colly.	1. Production Cum Seizure Memo dated 12.09.2006 (Page Nos. 31 and 32). 2. Production Cum Seizure Memo dated 30.04.2008 (Page No. 234).
10	D-14. D-15. D-16. D-17.	Exh-89-colly.	1. Copy of the order dated 04.08.05 of the MCOB Court Mumbai in B.A. No. 24/2005 in MCOB Case No. 11 of 2004 (Page Nos. 148 to 204 of D-14). 2. Copy of the order dated 24.05.2006 in Criminal Application No. 6572/2005 passed by Hon'ble Mr. Justice A (Hon'ble Mr. Justice of Hon'ble Bombay High Court) of Bombay High Court (Page No.205 of D-15). 3. Copy of the order dated 23.05.2006 in Criminal Application No. 6572/2005 passed by Hon'ble Mr. Justice A (Hon'ble Mr. Justice of Hon'ble Bombay High Court) of Bombay High Court (Page Nos.206-207 of D-16). 4. Copy of the order dated 05.06.2006 in Criminal Application No. 6572/2005 passed by Hon'ble Mr. Justice A (Hon'ble Mr. Justice of Hon'ble Bombay High Court) of Bombay High Court (Page No.208-233 of D-17).
11	--	Exh.91-colly. (cross-exam.)	List of PIL filed by complainant( produced by accused ).
12	D-8	Exh.78-colly.	Transcription Panchnama dated 03.03.2008 alongwith Transcripts Annexure A & B (Page



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			Nos. 82- 84, 106-114 and 85-105).
13	D-9	Exh.95-colly.	Voice Specimen Panchnama dated 04.03.2008 alongwith Annexure-A (Page Nos.115 to 118).
14	D-5	Exh.97	Production Cum Seizure Memo dated 19.09.2006 (Page No. 33).
15	D-11 and D-12	Exh.100-colly.	1. Letter dated 24.03.2008 of Commander D.S. Randhawa (Retd), Senior Manager Security, Tata Tele Services (Maharashtra) Ltd. alongwith enclosures (Page Nos. 128 to 134). 2. Certificate dated 24.03.2008 of Security Executive, Tata Tele Services (Maharashtra) Ltd. alongwith CDR(Page Nos. 135 to 145).
16	D-3	Exh.103	Letter dated 24.07.2006 of Mr. V.K. Jain, Court Administrator-Cum-Registrar General, Supreme Court of India, New Delhi ( page No. 30).
17	--	Exh.106	Forensic Voice Examination Report/ Spectrographic Report dated 28.07.2008.

24. The prosecution has produced the following Articles/ Exhibits:-

**(‘Exh.’-refers to the Article number given by CBI during investigation. (‘Colly.’- refers to ‘Collectively’)**

Sr. No.	Exhibits. No.	Articles No.	Articles details
1	--	Article-3	Cotton wrapped to Article 3/1 produced vide Application Exh.84 on 20.06.2019.
2	--	Article-3/1	Telephone-cum-recorder Fonotel Model No. KX-T2019CID black colour produced vide Application Exh.84 on 20.06.2019.

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3	--	Article-4	Yellow paper envelope marked thereon CFSL-2008/P-0321 produced vide application Exh. 108 on 09.03.2021.
4	--	Article-4/1 colly.	CD alongwith plastic container and Certificate u/s. 65(B) of Indian Evidence Act produced vide application Exh.108 on 09.03.2021.

25. In the case in hand the accused is a private person and not a public servant. Therefore, there is no question of sanction for the prosecution. It is also not in dispute that at the relevant time Criminal Application No. 6572/2005 was pending before the Hon'ble High Court, Bombay, which was preferred by the State of Maharashtra under Section 439(2) r/w. Section 482 of the Code of Criminal Procedure challenging the order passed by the Special Judge under Maharashtra Control of Organized Crimes Act, 1999 ( In short MCOCA), Mumbai dated August 4, 2005 in Bail Application No. 24/2005 in MCOCA Special Case No. 11/2004 granting interim bail to the complainant herein.

26. At this juncture itself it is necessary to note and have a look on certain factual happenings that took place in the case in hand since the filing of the charge-sheet. The charge-sheet was filed in the year 2008 along-with list of articles i.e. one Fonotel Model No. KX-T2019 ID Telephone-cum-recorder. However, it was not deposited with the charge-sheet. On 20.06.2019 vide application Exh.84 the prosecution has deposited Article-3 i.e. cotton cloth and Article-3/1 i.e. Telephone-cum-recorder. On 19.04.2018 vide order in Roznama the prosecution

has been directed to produce two Audio cassettes Exh.'C' and Exh.'D'. In compliance thereof the CBI had filed compliance report Exh.80 dated 12.03.2019 stating therein that two Audio cassettes Exh.'C' and Exh.'D' forwarded to CFSL and received back to CBI by the H.C. Tyagi of CBI, ACB, Mumbai on 13.08.2008 as per receipt and that both cassettes Exh.'C' and Exh.'D' are not traceable. Till 17.12.2020 the prosecution has already adduced evidence of in all 9 witnesses. PW-10 Dr. Rajender Singh, the retired Director of CFSL, New Delhi has testified that at the time of voice examination, simultaneously, it was transferred in the systems of CFSL of New Delhi. Thereafter, said witness was directed by the Court (by the Ld. Predecessor of this Court) to search with the record available in the system, if any, and to produce its copies by authenticating the same. It appears that in compliance thereof vide Exh.108 on 09.03.2021 true copy of Exh.'C' and Exh.'D' produced vide CD Article-4/1 alongwith Certificate under Section 65B of Evidence Act.

27. It is argued by the Ld. SPP that complainant Ketan Tirodkar made a written complaint (Exh.86), which has been received by the CBI on 10.05.2006. The CBI has received letter of Court Administrator-Cum-Registrar General of Supreme Court of India dated 24.07.2006 on 04.08.2006. The FIR (Exh.87) was registered on 14.08.2006. In the evidence the complainant Ketan Tirodkar (PW-5) has given graphical narration of the incidence. He testified about his visit to Delhi and stay in the hostel of Indian Institute of Public Administration, Delhi from 29.04.2006 to 03.05.2006 and meeting with Milind Gaikwad (PW-4) and accused therein. The accused represented himself as brother-in-law

of Hon'ble Mr. Justice B (Hon'ble Mr. Justice of Hon'ble Delhi High Court) and also informed that the Hon'ble Mr. Justice B (Hon'ble Mr. Justice of Hon'ble Delhi High Court) and Hon'ble Mr. Justice A (Hon'ble Mr. Justice of Hon'ble Bombay High Court), before whom the matter of complainant is pending, are friends. The complainant asked accused for a favour to look for an appropriate Counsel for appearing in his matter on charity basis. The complainant came back to Bombay. On 03.05.2006 complainant contacted accused on phone and the accused informed to the complainant that he will get temporary relief and for the same he will have to pay Rs. 30 Lacs. Thereafter, the complainant got temporary relief i.e. two weeks time to prepare and file reply in his matter of cancellation of his bail preferred by the State. The complainant had borrowed the telephone recording machine and by attaching the same to the landline connection of his house has recorded the conversation with accused. The evidence of the complainant is corroborated by the evidence of Rajeshkumar Sadharam (PW-1), evidence of Milind Gaikwad (PW-4) and evidence of Jayesh Shirsath (PW-7). There is nothing in the cross-examination to disbelieve evidence of the complainant.

28. Ld. SPP then argued that Rajeshkumar Sadharam (PW-1) has testified about stay of the complainant in the hostel and also produced certified copy of Visitors Register (Exh.55). Milind Gaikwad (PW-4) has deposed about the meeting in between complainant and accused in his presence in the hostel of Delhi. He further stated about receipt of telephonic call from the complainant about demand of accused of Rs. 30 Lacs. Jayesh Shirsath (PW-7) has stated in his

evidence about handing over of cassettes to him by the complainant and production thereof before CBI. The complainant has also testified about the same. The evidence of Rajeshkumar Sadharam (PW-1), Milind Gaikwad (PW-4) and Jayesh Shirsath (PW-7) is also reliable.

29. The Ld. SPP drew my attention towards written complaint (Exh.86) and submits that there were two telephonic landlines in the house of complainant and the accused has used two mobile phone numbers as mentioned in the complaint for the conversation with the accused. Gulshan Arora (PW-2) has submitted CDR details of said two mobile numbers with Certificate under Section 65-B of the Evidence Act below Exh.69-A and Exh.69-colly. N.K. Choudhary (PW-3) has submitted documents Exh.71-colly. to confirm installation of BSNL telephone landline in the house of complainant. Dattatray Sawant (PW-8) has submitted documents Exh.100-colly. to confirm installation of TATA telephone landline in the house of complainant as well as CDR details alongwith Certificate under Section 65-B of the Evidence Act.

30. According to the Ld. SPP, the original cassettes have been recovered from Jayesh Shirsath (PW-7) vide Production Memo (Exh.97) on 19.09.2006. Jayesh Shirsath (PW-7) and Investigating Officer K. Babu (PW-9) have testified about it. On 12.09.2006 copy of Audio cassette containing telephonic recordings as well as copies of orders have been recovered from the mother of the complainant vide Production-Cum-Seizure Memo's (Exh.88-colly.). The cassette was played before complainant in the jail by Investigating Officer K. Babu (PW-9). On 03.03.2008 the Transcripts from the recorded conversation

in the cassettes seized from Jayesh Shirsath (PW-7) have been prepared by Investigating Officer K. Babu (PW-9) in presence of Jayesh Shirsath (PW-7), Ravinder Gupta (PW-6) and Chotelal Yadav (PW-11). Thereafter, Transcription Panchnama (Exh.78-colly.) was prepared. At that time, Jayesh Shirsath (PW-7) has identified voice of complainant.

31. It is further argued by Ld. SPP that the accused was arrested and on 04.03.2008 the voice specimen of accused was collected in a micro cassette as per script, which was read by accused, in presence of Ravinder Gupta (PW-6) and Chotelal Yadav (PW-11). Thereafter, Voice Specimen Panchnama (Exh.95-colly.) was prepared. The Investigating Officer as well as panch witnesses have testified about it. The evidence of aforesaid witnesses on the point of transcription and collection of voice specimen is corroborating to each other. Not only this, Milind Gaikwad (PW-4), complainant Ketan Tirodkar (PW-5) and Jayesh Shirsath (PW-7) have identified the voice in the Court, when CD was played. From the transcription the fact of cheating by personation as well as demand from accused can be very well gathered.

32. According to the Ld. SPP, Dr. Rajinder Singh (PW-10) deposed in detail about receipt of Audio cassette having questioned voice of accused as well as micro audio cassette having specimen voice of accused and after examination thereof he has issued Forensic Voice Examination Report/Spectrographic Report (Exh.106). As per directions of the Court given to this witness he went to CFSL, taken search and locate the true copies of questioned voice and specimen voice from the system. This witness prepared copies of those voice in a CD and after

comparing the same submitted said CD alongwith Certificate under Section 65-B of the Evidence Act below Article-4/1-colly. before the Court. The letter Exh.103 is sufficient to show that the Hon'ble Mr. Justice B (Hon'ble Mr. Justice of Hon'ble Delhi High Court) is not having brother-in-law by the name of Faraz Khan. The complainant has never handed over demanded money to the accused. Though the defence has brought several criminal acts on the part of complainant but nothing brought on record to show as to why the complainant has lodged such a complaint. The accused is a private person and therefore, no sanction for the prosecution is required. The evidence of the prosecution is sufficient to establish guilt of the accused and there is no infirmity therein.

33. The Ld. SPP has relied upon following case laws :

a) **Yusufalli Esmail Nagree Vs. The State of Maharashtra, AIR 1968 Supreme Court 147**, wherein it is observed that in a trap case the conversation between accused and complainant was tape recorded. The voices of complainant and accused are identified. The contemporaneous dialogue between them held formed part of res-gestae and was relevant under Section 8 of the Evidence Act. It is further observed by the Hon'ble Apex Court that if a statement is relevant an accurate tape record of the statement is also relevant and admissible. The time and place and accuracy of the recording must be proved by a competent witness and the voices must be properly identified. One of the features of magnetic tape recording is the ability to erase and re-use the recording medium. Because of this facility of erasure and re-use, the evidence must be received with caution. The Court must be satisfied

beyond reasonable doubt that the record has not been tampered with.

b) **Neeraj Dutta Vs. State ( Govt. of NCT of Delhi), AIR 2023 Supreme Court 330**, wherein it is observed that even in absence of evidence of complainant as regards demand of bribe, Court can draw inference of culpability of public servant on the basis of other evidence adduced by the prosecution. In the event the complainant turns 'hostile', or has died or is unavailable to let in his evidence during trial, demand of illegal gratification can be proved by letting in the evidence of any other witness who can again let in evidence, either orally or by documentary evidence or the prosecution can prove the case by circumstantial evidence. It is trite law that in cases dependent on circumstantial evidence, the inference of guilt can be made if all the incriminating facts and circumstances are incompatible with the innocence of the accused or any other reasonable hypotheses than that of his guilt and provide a cogent and complete chain of events which leave no reasonable doubt in the judicial mind. When an incriminating circumstance is put to the accused and the said accused either offers no explanation or offers an explanation which is found to be untrue, then the same becomes an additional link in the chain of circumstances to make it complete.

c) **State of Maharashtra Vs. Narsingrao Gangaram Pimple, AIR 1984 Supreme Court 63**, wherein the accused was convicted by the trial Court for the offence punishable under Section 5(1) (a) and 5(2) of the Prevention of Corruption Act. The Hon'ble High Court allowed the appeal and set aside the conviction. The Hon'ble Apex Court has



allowed the appeal of the State and restored the conviction. It is observed by the Hon'ble Apex Court that it seems that the approach made by the Ld. Judge towards the prosecution has not been independent but one with a tainted eye and an innate prejudice. It is manifest that if one wears a pair of place glasses, everything which he sees would appear to him to be pale. In fact, the Ld. Judge appears to have been so much prejudice against the prosecution that he magnified every minor detail or omission to falsify or throw even a shadow of doubt on the prosecution evidence. This is the very antithesis of a correct judicial approach to the evidence of witnesses in a trap case. Indeed, if such a harsh touchstone is prescribed to prove a case it will be difficult for the prosecution to establish any case at all.

d) **Bharwada Bhoginbhai Hirjibhai Vs. State of Gujarat, AIR 1983 Supreme Court 753**, wherein it is observed that overmuch importance cannot be given to minor discrepancies. Discrepancies which do not go to the root of the matter and shake the basic version of the witnesses cannot be annexed with undue importance. More so when the all important probabilities-factor echoes in favour of the version narrated by the witnesses.

e) **Sohrab and Anr. Vs. The State of M.P., AIR 1972 Supreme Court 2020**, wherein it is observed that falsus in uno falsus in omnibus is not a sound rule for the reason that hardly one comes across a witness whose evidence does not contain a grain of untruth or at any rate exaggeration, emproderies or embellishment. In most cases, the witnesses when asked about details venture to give some answer, not

necessarily true or relevant for fear that their evidence may not be accepted in respect of the main incident which they have witnessed but that is not to say that their evidence as to the salient features of the case after cautious scrutiny cannot be considered though where the substratum of the prosecution case or material part of the evidence is dis-believable it will not be permissible for the Court to reconstruct a story of its own out the rest.

f) **State of U.P Vs M. K. Anthony, AIR 1985 Supreme Court 48**, wherein it is observed that the evidence of the witness does not rendered inadmissible even if the Investigating Officer obtains signature of the witness on his statement. If the evidence found generally reliable, much importance should not be given to the minor discrepancies and technical errors.

g) **Mritunjoy Biswas Vs. Pranab @ Kuti Biswas, AIR 2013 Supreme Court 3334**, wherein it is observed that the minor contradictions and omissions do not affect core of the prosecution case and cannot be taken as a ground to reject prosecution evidence.

h) **Dattatraya Krishanaji Joshi Vs. State of Maharashtra, 1991 Cri. L.J. 2097 ( Bombay High Court)**, wherein it is observed that making of demand is matter of understanding not between accused and any third person but person who demands and person who proceeds to pay or who is to pay.

34. Per contra, it is argued by the Ld. Advocate for the accused that it is the cardinal principal of criminal jurisprudence that the entire burden to prove its case beyond all reasonable doubts lies upon the prosecution. In the case in hand, there are several clouds of doubt on the case of the prosecution and its benefit must go in favour of accused. The CBI has received a detailed written complaint (Exh.86) which runs into 11 pages on 10.05.2006. However, immediately the FIR was not registered. Anyhow on 25.07.2006 the CBI has received letter Exh.103 dated 24.07.2006 from the Hon'ble Court Administrator-Cum-Registrar General of Hon'ble Supreme Court of India. The FIR (Exh.87) was, however, registered on 14.08.2006. As such, there is inordinate and unexplained long delay in registration of FIR which itself is fatal to the prosecution. He further argued that the case in hand is a classic example of fabrication by the misuse of technology. The complainant (PW-5) is the only witness, who has alleged the demand and recording of alleged conversation. The rest witnesses are hearsay. There is no mention of the name of Hon'ble Mr. Justice A (Hon'ble Mr. Justice of Hon'ble Bombay High Court) in the complaint. In the written complaint the complainant (PW-5) himself has termed all allegations as humbug and if this is so it cannot be said as alleged personation for cheating. The Ld. Advocate drew my attention towards letter of Hon'ble Court Administrator-Cum-Registrar General of Hon'ble Supreme Court of India Exh.103 dated 24.07.2006 and submits that as per said letter there is no involvement of public servant and therefore, Sections 8 and 9 of PC Act collapsed. Ignoring all these factual aspects, the FIR(Exh.87) was registered on 14.08.2006. He further argued that on page No. 10 of written complaint (Exh.86) there is averment to the

effect that, “the complainant shall handover copies of cassette” and therefore, it is clear that on the day of lodging written complaint the cassettes of alleged conversation were not with the CBI and as per Production-Cum-Seizure Memo (Exh.97) the cassettes were recovered on 19.09.2006. The written complaint (Exh.86) having no reference of the name of Hon’ble Mr. Justice A (Hon’ble Mr. Justice of Hon’ble Bombay High Court) and despite of it surprisingly the FIR (Exh.87) was registered on 14.08.2006 by invoking Sections 8 and 9 of PC Act.

35. According to the Ld. Advocate for the accused, the testimony of the complainant Ketan Tirodkar (PW-5) is neither credible nor reliable considering his background and past history. He further argued that the matter of **Bombay High Court on its Own motion Vs. Ketan Tirodkar, Suo-Motu Contempt Petition No. 1 of 2017** is in respect of publishing the alleged instances of misdemeanour and misconduct of some sitting and retired Judges of Hon’ble High Court of Bombay by Ketan Tirodkar on his Facebook Profile. Said Contempt Petition was decided on 11.10.2018 by the Bench of Three Judges of Hon’ble High Court, Bombay and there is a reference therein in respect of application of the year 2006 and of litigation’s since year 2007 including of rejection of Bail Application of Ketan Tirodkar by lady Judge, when she was in MCOB Court and therefore, the said judgment in the contempt case is relevant for the case in hand. According to the Ld. Advocate, the Hon’ble High Court, Bombay has observed in the Contempt Petition that, “By naming Judges individually, sitting and retired, and casting aspersions on their character, integrity and impartiality, the respondent is guilty of criminal contempt. This is not a mere defamation of a

Judge/s otherwise than in-discharge of his or her duties as such. This is a clear case of scandalising and lowering the authority of the Court itself. By targetting the Judges of this Court, the respondent is scandalising and lowering the authority of the Court itself". The Ld. Advocate further drew attention of this Court towards paragraph No. 107 of the cross-examination of PW-5 complainant Ketan Tirodkar, wherein he admits that he was convicted by the Hon'ble Bombay High Court for the period of three months in a Contempt Proceeding.

36. With reference to the credibility and reliability of complainant Ketan Tirodkar (PW-5) with respect to the background and past history of the complainant, the Ld. Advocate further drew attention of this Court towards paragraph Nos. 34, 37, 42, 44, 45, 46, 55, 56 and 115 of cross-examination of complainant Ketan Tirodkar (PW-5) and submits such criminal history of the complainant is self-sufficient to disbelieve his evidence.

37. According to the Ld. Advocate for the accused, there is no positive evidence to show the alleged personation for cheating in the name of Hon'ble Lordship. The evidence of the complainant is not in accordance with the contents of written complaint but contrary to it on material aspects. There is no corroboration to the evidence of complainant Ketan Tirodkar (PW-5) from the evidence of Milind Gaikwad (PW-4) and Jayesh Shirsath (PW-7) on material aspects. On the contrary, the complainant is not telling real truth before the Court and thus, loosing his credibility. Considering the cross-examination of the complainant (PW-5) in paragraph Nos. 37, 52, 65, 66 and 71 it is

not probable that the complainant as reflecting in the written complaint (Exh.86) has pleaded for a lawyer on charity basis to appear for him in the hearing of the Criminal Application No. 6572/2005 that was scheduled for 04.05.2006 before Hon'ble Mr. Justice A (Hon'ble Mr. Justice of Hon'ble Bombay High Court). Thus, the entire story of the complainant is concocted and false.

38. The Ld. Advocate further argued that there is no positive and credible evidence to show seizure of original Audio cassettes. On the other hand, the complainant Ketan Tirodkar (PW-5) admits in paragraph No. 100 of cross-examination that he had handed over one set of copy of cassette to Jayesh Shirsath (PW-7) for backup. As such, the alleged seizure of Audio cassettes from Jayesh Shirsath (PW-7) vide Production-Cum-Seizure Memo (Exh.97) dated 19.09.2006 cannot be said as seizure of original Audio cassettes. The complainant (PW-5) has testified that the copies of Audio cassettes were with his mother at his residence and therefore, the alleged seizure of Audio cassette vide Production-Cum-Seizure Memo dated 12.09.2006 (Exh.88-colly.) from the mother of complainant is not of original Audio cassette. As such, the alleged Transcription Panchnama dated 03.03.2008 (Exh.78-colly.) alongwith Transcripts Annexure-A and Annexure-B, which have been prepared on the basis of copy of alleged conversation in the Audio cassette as well as the evidence of Milind Gaikwad (PW-4), complainant Ketan Tirodkar (PW-5), panch Ravinder Gupta (PW-6), Jayesh Shirsath (PW-7), Investigating Officer K. Babu (PW-9), Dr. Rajinder Singh (PW-10) and panch Chotelal Yadav (PW-11) loses their significance on the point of recording of alleged conversation and transcription.

39. The Ld. Advocate then argued that the cassettes which have been alleged to be seized from Jayesh Shirsath (PW-7) have not been produced on record by the prosecution and the reason which is submitted is of misplacing the same while shifting the CBI office. The fact however, is that the said Audio cassettes have not been produced on the record. Milind Gaikwad (PW-4) in paragraph Nos. 13 and 14 has testified that whatever conversation he had heard is from the Micro cassette and the Transcript Annexure-A (Exh78-colly.) was prepared as per conversation heard from Micro cassette with the help of cassette recorder. Investigating Officer K. Babu (PW-9) in paragraph No. 52 has stated that the recording machine (Article-3/1) is shown to him and the Micro cassette is used for recording conversation with the help of telephone recording instrument. According to Ld. Advocate, it is therefore clear that the Micro cassette is used for recording conversation with the help of telephone recording instrument Article-3/1. However, according to Dr. Rajinder Singh (PW-10- retired director of CFSL), he has received normal Audio cassette Q-1 stated to have the questioned voice for Spectrographic examination. As such, there is great doubt in respect of even seizure of Audio cassettes from Jayesh Shrisath (PW-7) vide Exh.97.

40. According to him, it has come in the evidence of Jayesh Shirsath (PW-7) that he do not recollect the period of handing over the cassettes to him in the year 2005. As such, the cassettes were alleged to be handed over to this witness by the complainant in the year 2005 when the alleged incidence took place in the year 2006. Therefore, there is every doubt about handing over cassettes of conversation by

the complainant to this witness.

41. He further argued that Ravinder Gupta (PW-6 ) and Chotelal Yadav (PW-11) are the panch witnesses on Transcription Panchnama and on Transcripts (Exh.78-colly.). The evidence of both these witnesses is contrary to each other making their evidence unreliable. The prosecution has even conducted cross-examination of Chotelal Yadav (PW-11) by declaring him as hostile. The prosecution has therefore, failed to prove the Transcription Panchnama and Transcripts (Exh.78-colly.).

42. The Ld. Advocate further argued that the cassettes alleged to be recovered have not been produced on the record. During evidence of Dr. Rajinder Singh (PW-10- retired director of CFSL) on 13.01.2021 this Court has directed Dr. Rajinder Singh to search with the record available in the system, if any, and to produce copies of conversation and as such, on 12.03.2021 this witness has produced the copy of alleged conversation in a CD alongwith Certificate Article-4/1-colly. However, the cross-examination of this witness is sufficient to discredit evidentiary value of the evidence of witness Dr. Rajinder Singh. As such, there is every doubt on the Forensic Voice Examination Report/Spectrographic Report (Exh.106).

43. The Ld. Advocate for the accused has also argued that as per written complaint (Exh.86) the complainant is having landline phone of MTNL at his residence and he has also attached recording machine to the MTNL landline number. However, there is no evidence at



all to show that the complainant is having facility of landline phone of MTNL at his residence. The mobile phones alleged to be used by the accused for the alleged conversation with the complainant have neither been seized by the investigating officer nor there is evidence to show the same in the name of accused. On this count alone the evidence of Gulshan Arora (PW-2), N. K. Choudhary (PW-3) and Dattatray Sawant (PW-8) loses significance. The evidence of Rajeshkumar (PW-1) and Investigating Officer K. Babu (PW-9) is also not free from doubt. On the contrary, there is several lapse in the investigation.

44. The evidence of the prosecution is not sufficient to prove the case. There is every doubt in the case of prosecution and the accused deserves acquittal on benefit of doubt.

45. The Ld. Advocate for the accused has relied upon following case laws:-

a) **Yemmiganur Shiva Reddy Vs. State of Maharashtra, Criminal Revision Application No. 549/2019 decided on 06.06.2023 (Bombay High Court) [ MANU/MH/1960/2023]**, wherein the moot question that arises for consideration was whether Section 12 of the PC Act attracted in the circumstances highlighted in the charge-sheet. However, in the case in hand the charge is not under Section 12 of the PC Act.

b) **Kishore Khanchand Wadhvani and others Vs. State of Maharashtra, Writ Petition No. 2925/2019 decided on 26.07.2019 (Bombay High Court- DB) [ MANU/MH/2028/2019]**, wherein the

petitioners have approached for quashing and setting aside of proceedings instituted vide Special Case No. 26/2014 under Sections 7 and 12 of the PC Act. However, the case in hand is not in respect of Sections 7 and 12 of the PC Act.

c) **Bishwanath Rai Vs. Sachhidanand Singh, AIR 1971 SC**

1949, wherein it is observed that where a witness proves the contents of a letter written to him by one S, the letter is relevant and admissible to the extent to which the fact that S wrote such a letter to the witness with its contents has bearing on the issues involved in the case. The correctness of the contents of the letter can only be proved by examining S as a witness.

46. I have given mindful consideration to the submission of both the sides. I have also gone through with the observations of the case laws, cited supra and very much guided by the same.

**As to Point Nos. 1 to 3 :-**

47. These points being interlinked with each others they are taken up together for discussion.

48. Before proceeding further, it would be useful to have a look on the ingredients of Section 416 punishable under Section 419 of Indian Penal Code and Sections 8 and 9 of the Prevention of Corruption Act.

49. The following are the ingredients of Section 416 of the Indian Penal Code :

- 1) Pretention by a person to be some other person.
- 2) Knowingly substituting one person for another.
- 3) Representation that he or any other person is a person other than he or such other person really is.
- 4) Accused cheated someone by impersonation.

50. Section 8 of the PC Act has the following elements which have to be proved before bringing home the guilt of accused, namely,

- 1) Solicitation or offer or receipt of any gratification,
- 2) Such gratification must have been asked for, offered or paid as a motive or reward for inducing, by illegal or corrupt means, a public servant, and
- 3) The public servant must do an act or forbear to do an act, render or attempt to render any service or dis-service to some person with the Central or State Government or with any public servant named or otherwise.

51. Section 9 of the PC Act has the following ingredients which have to be proved before bringing home the guilt of accused, namely,

- 1) The accused accepted or agreed to accept, obtain or attempted to obtain for himself or anyone on his behalf, a gratification,
- 2) The gratification must be as a motive or reward to induce a public servant by the exercise of personal influence-
  - (a) to do or to forbear to do any official act, or

- (b) to show in exercise of his official functions favour or disfavour, or
- (c) to render or attempt to render any service or disservice to any person with the Central Government or State Government or with any public servant, as such.

52. Necessary to note that Section 8 of PC Act, 1988 is applicable even to others who are not public servants if they induce any public servant to do any illegal act. Section 9 of PC Act, 1988 deals with the offence of taking gratification for inducing by exertion of personal influence on a public servant by a third person. The difference between Section 9 and Section 8 of the PC Act is that in Section 8, “the motive or reward” is for inducing by corrupt or illegal means any public servant, named or otherwise. Whereas in Section 9 of the PC Act it is “motive or reward” for inducing by exercise of personal influence on the public servant, named or otherwise. In the former section, the public servant acts in the manner referred to therein after being induced by corrupt or illegal means. In the latter section, he acts in the manner referred to therein by succumbing to the personal influence of the accused.

53. In the backdrop of above, let me consider the evidence available on record.

54. In this reference, it has come in the evidence of complainant Ketan Tirodkar (PW-5) that his bail application was

allowed by MCOC Court, Mumbai and the Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) had set aside his bail on first occasion. During said period he was approached by one Mr. Vijay Chitnis and Mr. Soni. In consequence of setting aside his bail on first occasion, he surrendered himself before MCOC Court, Mumbai and sent to judicial custody. Again he had filed fresh bail application, which was allowed by MCOC Court, Mumbai in July, 2005. Again State of Maharashtra had filed Criminal Application No. 6572/2005 for cancellation of bail before Hon'ble High Court, Bombay. It was placed before Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court). In the meanwhile, he had been to Delhi and filed Intervention Application before Hon'ble Supreme Court.

55. While he was in Delhi, he was staying in Room No. 56 of hostel of Indian Institute of Public Administration. He has proved the certified copy of Visitors Register (Exh.55). He stayed there in between 29.04.2006 and 03.05.2006. Just before one day of his departure from Delhi, accused alongwith Milind Gaikwad (PW-4) came to his room in the said hostel. Milind Gaikwad introduced him with accused by saying that he is brother-in-law of Hon'ble Mr. Justice B ( Hon'ble Mr. Justice of Hon'ble Delhi High Court). It was further informed to him that accused has acquaintance with big personalities in Delhi. During talk, when accused came to know about his bail application, accused informed him that Hon'ble Mr. Justice B ( Hon'ble Mr. Justice of Hon'ble Delhi High Court) and Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) are friends. Then complainant had asked accused for a favour to look for an appropriate Counsel, who is appearing before

Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) on charity basis. On next day, complainant left New Delhi.

56. It has further come in the evidence of complainant(PW-5) that on reaching Mumbai, on 03.05.2006 he contacted accused on phone and reminded him about his assurance of engaging advocate to look into his matter and accused said that, "Bat ho gayee hai, aap High Court jao, kam ho jayega" and he will get temporary relief. When complainant asked accused about the meaning of temporary relief then accused made it clear that the complainant have to pray for time of about two weeks and it will be granted to him. The complainant do not know the name of person with whom accused had talked about his matter. On next date he got a temporary relief wherein he was granted two weeks time to prepare and file reply.

57. It has also come in the evidence of complainant that on returning from Delhi, on 03.05.2006 he called up accused to remind him the legal help he was to give him in connection with his matter in the High Court. On this, he was informed that accused had talked to Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) and complainant will get the temporary relief and for that complainant have to pay Rs. 30 Lacs.

58. The complainant wanted to give the matter to the Government Investigating Agencies therefore, he had recorded the telephonic conversation between himself and accused. He had borrowed the recording machine from his friend and attached the same to his

BSNL landline phone. He was also possessing landline connection of TATA company. After having sufficient conversation recorded he approached CBI office at Tanna House, Mumbai with the written complaint alleging demand of bribe. He has proved written complaint (Exh.86).

59. The complainant has further testified that during the course of next hearing in the Bombay High Court, he had informed such development to Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) in the month of May, 2006. He had filed fresh bail application, which was accepted by Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) across the bar. In the last para of the said bail application, he had mentioned regarding the demand of bribe and the fact that the CBI had recorded his statement. On or about 4/5<sup>th</sup> June, 2006 Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) was pleased to set aside the bail granted to him by the MCOC Court, Mumbai. He again applied for fresh bail application in MCOC Court, Mumbai and he was taken in judicial custody.

60. In the meantime, on 07.09.2006, while complainant was lodged in Arthur Road Jail in connection with the offence under MCOC case, the Investigating Officer K. Babu (PW-9) came to Arthur Road Jail and inquired with the complainant for the Audio cassettes in which the conversation has been recorded. The complainant then disclosed that the copies of Audio cassettes were with his mother at his residence and the original cassettes have been kept with his journalist friend Jayesh Shirsath (PW-7), who was working in Daily Lokmat. On the request of

K. Babu(PW-9), the complainant had tendered one letter in the name of his mother with a request to handover the copies of cassette to Mr. K. Babu. He has proved the Production-Cum-Seizure Memo dated 12.09.2006 alongwith another Production-Cum-Seizure Memo dated 30.04.2008 in respect of handing over copies of cassette, High Court orders and telephone-cum-recorder instrument Article-3/1 by his mother to Mr. K. Babu vide Exh.88-colly.

61. The complainant(PW-5) then testified that while the complainant was in the jail itself, Investigating Officer K. Babu (PW-9) had played the cassettes in his presence and he had identified voice of himself, accused and of Milind Gaikwad (PW-4). The voice recording of Milind Gaikwad was also done in the month of May, 2006 to collect the evidence. He has proved the copies of bail orders Exh.89-colly.

62. It has further come in the evidence of complainant(PW-5) that he had talked with accused on his mobile numbers from his landline. He was asked to pay an amount of Rs. 30 Lacs for making payment to Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) and Hon'ble Mr. Justice B ( Hon'ble Mr. Justice of Hon'ble Delhi High Court). Accused informed him that he will come to Mumbai to collect the payment and to work out the modalities of the case and further asked him to arrange Air Tickets from Delhi to Mumbai. The complainant has also identified the voice from the conversation when CD Article-4/1 was played before the Court.

63. It has come in the cross-examination of complainant Ketan



Tirodkar (PW-5) that in the year 2002 he met Daya Nayak and Daya Nayak was taking money from Gangsters abroad to favour their henchmen, on occasions he had acted as a person to collect money on behalf of Daya Nayak, he has participated in the activities of Daya Nayak, he was arrested on 09.07.2004 for investigation in the case of Daya Nayak, the CBI of Gujarat arrested him pertaining to the encounter case of Sadiq Jamal, he became a party to that crime as he could not stop that crime, he was in judicial custody in MCOC case, prior to 29.04.2006 he had filed complaint against one of the Judge of Hon'ble Bombay High Court without proof but on the basis of mere information and he had collected money from the Gangsters and others at the instance of Mr. Daya Nayak. It has further come in the cross-examination of the complainant that he had conducted interview with Daud Ibrahim, there was no guarantee that the person, who was interviewed, was in-fact Dawood Ibrahim and the interview was published as if Dawood Ibrahim had given said interview. The complainant has further admitted in cross-examination that in October, 2018 he was convicted by Hon'ble Bombay High Court for the period of three months in a Contempt Proceeding and he had made allegations against several Judges of Hon'ble Bombay High Court. The Ld. Advocate for the accused has pressed into service the observations in the case of Bombay High Court on its Own motion Vs. Ketan Tirodkar, Suo-Motu Contempt Petition No. 1/2017 decided on 11.10.2018 by the Bench of three Judge of Hon'ble High Court, Bombay. Perusal of the same makes it clear that it is in respect of publishing the alleged instances of misdemeanour and misconduct of some sitting and retired Judges of Hon'ble High Court of Bombay by Ketan Tirodkar on his Facebook

Profile and there is a reference therein in respect of application of the year 2006 and of litigations since year 2007 including of rejection of Bail Application of Ketan Tirodkar by lady Judge, when she was in MCOC Court and therefore, the said judgment in the contempt case is relevant for the case in hand. The Hon'ble High Court, Bombay has observed in the Contempt Petition that, "By naming Judges individually, sitting and retired, and casting aspersions on their character, integrity and impartiality, the respondent is guilty of criminal contempt. This is not a mere defamation of a Judge/s otherwise than in-discharge of his or her duties as such. This is a clear case of scandalising and lowering the authority of the Court itself. By targetting the Judges of this Court, the respondent is scandalising and lowering the authority of the Court itself". Considering the above and the past history along-with above background of the complainant Ketan Tirodkar (PW-5), his testimony requires close and cautious scrutiny.

64. Vide paragraph No. 15 of the examination-in-chief, the complainant Ketan Tirodkar (PW-5) has come with the case that Milind Gaikwad (PW-4) has introduced him with the accused by saying that accused is brother-in-law of Hon'ble Mr. Justice B ( Hon'ble Mr. Justice of Hon'ble Delhi High Court ). However, Milind Gaikwad (PW-4) has nowhere testified to that effect. It is the case of the complainant that Milind Gaikwad has introduced accused with him in the hostel of Indian Institute of Public Administration, New Delhi in the month of May, 2006. It has also come in the evidence of complainant that for the first time and last time he met accused in the room of hostel of Indian Institute of Public Administration, New Delhi. The said meeting was

obviously in the month of May, 2006. Milind Gaikwad (PW-4) however, has testified that his office is situated at Pune and for the first time there was a meeting in between complainant and accused in his office in the year 2005-2006. Investigating Officer K. Babu (PW-9) has also testified that much prior to May, 2006 the complainant and accused were friends. It has also come in the evidence of complainant that in the year 2006 Jayesh Shirsath (PW-7) was his good friend and used to visit his house. It becomes material in the light of the fact that as per case of the prosecution complainant had handed over cassettes to Jayesh Shirsath. Jayesh Shirsath (PW-7) has however, testified that he was never having friendly relations with the complainant and he never had been to the house of complainant. It has also come in the evidence of complainant that Investigating Officer K. Babu (PW-9) had visited him in the jail for voice verification of accused and Mr. K. Babu had played the cassettes in his presence and he had identified voice of himself, of accused and Milind Gaikwad. However, the Investigating Officer K. Babu (PW-9) has nowhere testified about visiting the jail for the purpose of playing the cassettes in presence of the complainant for voice verification. It has come in paragraph No. 2 of the examination-in-chief of the complainant that Investigating Officer Mr. K. Babu (PW-9) had disclosed to him that he will be approaching Hon'ble Supreme Court against the oral refusal of seeking permission to record statement of Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court ). Investigating Officer Mr. K. Babu (PW-9) has however, testified that he has not informed to the complainant that against the refusal to accord permission for recording statement of Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court ) he was intending

to approach Hon'ble Supreme Court. The complainant has further testified that during his stay at Dubai, he did not convert to any other religion. Milind Gaikwad (PW-4) has however, in his evidence has made it clear that on the say of Daya Nayak, complainant went to Dubai and converted to Islam. From the above referred aspects, it is crystal clear that the complainant Ketan Tirodkar (PW-5) is not telling real truth before the Court.

65. The close analysis of the evidence of complainant Ketan Tirodkar (PW-5) makes it clear that there is nothing therein to show the alleged representation by the accused to the effect that he is brother-in-law of Hon'ble Mr. Justice B ( Hon'ble Mr. Justice of Hon'ble Delhi High Court ) by way of personation. All the while the complainant has testified that Milind Gaikwad (PW-4) has introduced accused to him by saying that accused is brother-in-law of Hon'ble Mr. Justice B ( Hon'ble Mr. Justice of Hon'ble Delhi High Court ). However, Milind Gaikwad (PW-4) has nowhere testified to that effect.

66. The complainant Ketan Tirodkar (PW-5) has testified that he used to draft petition, applications for the litigants in the Hon'ble High Court and used to earn his livelihood. It is thus clear that the complainant is knowing drafting. The written complaint (Exh.86) is not cryptic. On the contrary, it is in detail and running in eleven pages. On close analysis of the written complaint (Exh.86) vis-a-vis evidence of the complainant it reveals that the evidence of the complainant is not in accordance with his written complaint. In this reference, there is nothing in written complaint (Exh.86) that, "accused said that bat ho

gayee hai, aap High Court Jao, kam ho jayega and I will get temporary relief” and “when complainant asked accused about meaning of temporary relief then accused made it clear that complainant have to pray for time of about two weeks and it will be granted to him”. There is also nothing in the complaint to the effect that, “on this, accused informed that he had talked to Hon’ble Mr. Justice A ( Hon’ble Mr. Justice of Hon’ble Bombay High Court ) and complainant will get temporary relief and for that complainant have to pay Rs. 30 Lacs.” The written complaint (Exh.86) was filed on 10.05.2006. The complainant in paragraph No. 73 has stated that till 10.05.2006 he has not taken name of Hon’ble Mr. Justice A ( Hon’ble Mr. Justice of Hon’ble Bombay High Court ) regarding demand of Rs. 30 Lacs at his instance. The close analysis of the written complaint (Exh.86) also depicts the same.

67. The complainant Ketan Tirodkar (PW-5) has testified that he had asked accused for a favour to look for an appropriate Counsel, who is appearing before Hon’ble Mr. Justice A ( Hon’ble Mr. Justice of Hon’ble Bombay High Court ) on charity basis. However, in cross-examination complainant admits that after stopping his salary, he started drafting petition and applications for litigants, his contention was upheld by the Full Bench of Hon’ble High Court vide order dated 22.12.2005 in MCOC case, he was regularly consulting with his advocates on friendly basis in respect of Criminal Application No. 6572/2006, he was fully prepared and ready to make submissions before the Hon’ble High Court and in SLP Proceedings Advocate Bhatti offered help to him on charity basis in SLP and she was appearing on few hearing before Hon’ble Supreme Court. It has also come in the

evidence of Milind Gakwad (PW-4) that complainant had arranged one advocate for him and he is aware that the complainant being from Bombay is knowing several advocates who were charging fees and some were working on charity basis. If this is so then asking for appropriate Counsel on charity basis to the accused not appears probable and acceptable.

68. It has come in the evidence of complainant Ketan Tirodkar (PW-5) that he had borrowed the recording machine from his friend and attached to the phone for recording the calls. The written complaint (Exh.86) is however, silent on such aspect and there is nothing therein to show such borrowing of recording machine by the complainant from his friend. On the other hand, perusal of the written complaint(Exh.86) show that the complainant has attached a recording equipment to his MTNL landline. Thus, again the evidence of the complainant is not found in conformity with his written complaint. Even we do not know the name and details of the friend of the complainant from whom he had borrowed the recording machine. During cross-examination, the complainant has shown ignorance and stated that he do not remember as to whether the cassette recorder used in this case was normal or a micro cassette recorder.

69. In the written complaint (Exh.86) it is mentioned by the complainant that "he requested accused to call on his MTNL landline after some time, he then attached a recording equipment to his MTNL landline and recorded the conversation in between himself and accused, on the say of complainant his mother asked accused to call on MTNL

number as the complainant had attached recording machine to the MTNL number, on 8<sup>th</sup> May late evening complainant received a call again from accused on his MTNL landline and his MTNL No. is 2435788.” In cross-examination vide paragraph No.88 the complainant further confirmed that he had asked accused to call him on his MTNL landline. Thus, it is crystal clear that the complainant is having MTNL landline bearing No.2435788 at his residence and as per written complaint the recording machine was attached with MTNL landline. However, there is no evidence either of the complainant or any other witness to show that the complainant is having MTNL landline at his residence. On the contrary, the complainant has testified in respect of attaching recording machine to the BSNL landline, which is contrary to the contents of written complaint. Thus, here is a big jolt to the case of the prosecution. Not only this, the evidence of the complainant is silent in respect of mobile numbers of accused alleged to be used by the accused for making calls to the complainant.

70. It has also come in the evidence of complainant Ketan Tirodkar (PW-5) that the voice recording of Milind Gaikwad (PW-4) was also done in the month of May, 2006. He has recorded the conversation of Milind Gaikwad and the purpose of recording was to collect the evidence. Milind Gaikwad (PW-4) has however testified that after returning from Delhi there was no meeting or talks with Mr. Tirodkar at any time and in the year 2007 he got a phone call from Mr. Tirodkar who disclosed him that accused is going to help him to come out of MCOC case and for that purpose accused had demanded an amount of Rs. 30 Lacs. Necessary to note that the written complaint (Exh.86) was

filed on 10.05.2006 and as per case of the prosecution after recording entire conversation the said written complaint was filed. It is therefore clear that the complainant is further not found telling real truth before the Court in respect of even alleged recording of conversation in between himself and Milind Gaikwad in the month of May, 2006.

71. It has come in the cross-examination of the complainant Ketan Tirodkar (PW-5) that he had handed over one set of copy of cassette to Jayesh Shirsath (PW-7) and he do not remember when, where and by whom the copies of said conversation were prepared . This statement is running deadly against the prosecution and found self-sufficient to raise doubt on the case of the prosecution that after recording alleged conversation complainant had handed over original cassettes to Jayesh Shirsath and later-on said original cassettes have been recovered from Jayesh Shirsath(PW-7) vide Exh.97 on 19.09.2006.

72. It is the case of the prosecution that a meeting took place in between complainant Ketan Tirodkar(PW-5), accused and Milind Gaikwad(PW-4) in the hostel of Indian Institute of Public Administration, New Delhi, wherein accused made alleged representation/personation by introducing himself as brother-in-law of Hon'ble Mr. Justice B ( Hon'ble Mr. Justice of Hon'ble Delhi High Court ). On the other hand, complainant has testified that in the said meeting Milind Gaikwad (PW-4) had introduced accused with him by saying that he is brother-in-law of Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court ). In such premises, on both aspects the evidence of Milind Gaikwad (PW-4) assumes importance. It



is further case of the prosecution that after alleged representation by the accused the complainant had requested accused to look for an appropriate Counsel on charity basis and the subsequent development in respect of alleged demand etc. took place on telephonic conversation which alleged to have been recorded by the complainant. In the backdrop of above, it can be very well gathered that the complainant and Milind Gaikwad are the only witnesses on the point of alleged representation by the accused and the complainant is the only witness, who alleged demand of money and recording of conversation. In this reference, let me consider evidence of Milind Gaikwad (PW-4).

73. Milind Gaikwad (PW-4) deposed that there was meeting in between complainant Ketan Tirodkar (PW-5) and accused in his office for the first time in the year 2005-2006. In the year 2006, during summer season he had been to New Delhi and stayed in Maharashtra Sadan. Complainant was also had been to New Delhi in connection with a case which is pending in Supreme Court. Complainant invited himself and accused to hostel which was meant for the Journalist. He alongwith accused went there to meet the complainant. There was a discussion between accused and complainant in respect of MCOC case against the complainant. As he fell asleep, therefore, could not hear the conversation between them. Even when he got up from sleep, he was not informed about their discussion. Then accused dropped him at Maharashtra Sadan, New Delhi. Thereafter, in the year 2007, he got a phone call from the complainant and complainant disclosed him that accused is going to help him to come out of MCOC case and accused had demanded an amount of Rs. 30 Lacs. When his statement was

recorded by CBI officer Mr. K. Babu (PW-9), the conversation recorded in the micro cassette was played before him and he heard it. The last digits of two mobile numbers of accused are 88137 and 88126. Further, this witness has identified voice of himself and complainant, when CD (Article-4/1) was played before the Court.

74. On the analysis of entire evidence of Milind Gaikwad (PW-4), it merely show discussion in between complainant and accused in respect of MCOC case. He is not aware in respect of actual discussion as according to him he was sleeping. There is nothing in evidence to show that, as claimed by complainant Ketan Tirodkar (PW-5) in his evidence, Milind Gaikwad had introduced accused with the complainant by saying that accused is the brother-in-law of Hon'ble Mr. Justice B ( Hon'ble Mr. Justice of Hon'ble Delhi High Court ). The evidence of Milind Gaikwad also nowhere shows that in the said meeting the accused ever made a representation to the complainant that he is brother-in-law of Hon'ble Mr. Justice B ( Hon'ble Mr. Justice of Hon'ble Delhi High Court ). He admits in cross-examination that he is not aware anything regarding talks held in between complainant and accused in Delhi and having no concerned about it. He further admits that as he had lost trust in the complainant therefore there was no propriety on his part to advise him in any manner.

75. The alleged incidence is of the month of May, 2006 and the alleged conversation in between complainant and accused as well as in between complainant and Milind Gaikwad (PW-4) was also recorded in the month of May, 2006 itself. However, according to this witness after

returning from Delhi he never received a phone call from complainant. In the year 2007 the complainant made a phone call to him and informed about the demand of accused. The evidence of this witness as reflecting from paragraph Nos. 13 and 14 of examination-in-chief shows that a micro cassette was played before him and the transcript was also prepared on the basis of conversation heard from the micro cassette with the help of cassette recorder. It is the case of the prosecution that said cassette was seized from Jayesh Shirsath (PW-7) vide Production-Cum-Seizure Memo (Exh.97) and which later-on forwarded to CFSL, New Delhi for Spectrographic Examination. However, surprisingly the evidence of Dr. Rajinder Singh (PW-10- retired director of CFSL, New Delhi) show that on opening the parcel he found normal Audio cassette stated to have the questioned voice of accused. Thus, it is clear that the evidence of Milind Gaikwad (PW-4) is neither supporting to the case of the prosecution nor corroborating to the evidence of complainant Ketan Tirodkar (PW-5).

76. As observed above, the complainant Ketan Tirodkar (PW-5) is the only witness who alleged demand of money and recording of conversation. Now let me evaluate the evidence and material on the point of seizure of Audio cassettes, telephone-cum- recording machine, transcription of conversation, collection of voice specimen of accused and forensic voice examination report.

77. In this reference, it has come in the evidence of Jayesh Shirsath (PW-7) that in the year 2006 he was working with Daily Marathi Newspaper Lokmat as Journalist. During year 2006, he was

approached by CBI officer in respect of tape record cassette. Prior to it, he met with complainant Ketan Tirodkar (PW-5). Complainant had disclosed him about the cassette and that the conversation therein was in respect of demand of money by one Judge from Delhi and another from Bombay through a middle man. There were two such cassettes. He heard the conversation from both the cassettes, but was not convinced for preparing any news articles on that basis. The CBI officer approached him for those cassettes and he had handed over said two cassettes to CBI officer. The cassettes were sealed by CBI officer and he had signed on the proceeding. He proved Production-Cum-Seizure Memo (Exh.97) dated 19.09.2006. Thereafter, again in the year 2008 he was called by CBI officer in the CBI office. He went CBI office. Two persons namely Mr. Yadav and Mr. Gupta were present there. The CBI officer has removed the cassette from the sealed envelope and played the same. The transcripts were prepared and verified. The panchnama proceeding was drawn up. He has proved Transcription Panchnama dated 03.03.2008 alongwith Transcripts Annexure -A and B(Exh78-colly.). He further identified the voice of complainant and of Milind Gaikwad when the CD(Article4/1-colly.) played before the Court.

78. Ravinder Gupta (PW-6) and Chotelal Yadav (PW-11) are the panch witnesses on Transcription Panchnama with Transcripts (Exh.78-colly.) as well as on Voice Specimen Panchnama (Exh.95-colly.). Ravinder Gupta (PW-6) has testified that on 03.03.2008 he alongwith his colleague Chotelal Yeadav had been to the CBI office situated at Tanna house, near Regal Theater, Mumbai in between 10.00 a.m. to 10.30 a.m. and were their in the CBI office till 3.00 p.m. . Two CBI

officers and one Journalist were present there. Two sealed cassettes were produced, its seal were broke opened and cassette was inserted in the tape recorder. The conversation was heard and panchnama was prepared. Thereafter, again he was called on 04.03.2008 at CBI office , Tanna house, near Regal Theater, Mumbai to record specimen voice of Mr. Khan. The voice sample was recorded in the cassette. Its panchnama was prepared. He proved Transcription Panchnama with Transcripts (Exh.78-colly.) and Voice Specimen Panchnama with Annexure - A (Exh.95-colly.).

79. Chotelal Yadav (PW-11), another panch has testified that on 03.03.2008 he alongwith Ravinder Gupta (PW-6) had been to CBI office situated in MTNL building, Fountain, Mumbai at about 3.00 noon. The sealed cassettes were opened and the black cassette was played and there was a conversation between accused and complainant. Jayesh Shirsath (PW-7) has identified voice of complainant. The transcription was prepared. The panchnama was prepared. Both the cassettes were kept in the brown envelope and sealed. The proceeding was completed at about 7.30 p.m. . On 04.03.2008 again they have visited CBI office, MTNL, Fountain, Mumbai and voice sample of accused was recorded in a cassette. The cassette was again sealed by keeping in brown envelope. He proved both panchanama's.

80. The Investigating Officer K. Babu (PW-9) has deposed that after registration of FIR (Exh.87), its investigation was marked to him. The complainant Ketan Tirodkar (PW-5) was in judicial custody. He visited and recorded statement of the complainant inside the jail.

Complainant informed that the cassette of telephonic recording is given to Jayesh Shirsath (PW-7) and its copy is with his mother. The cassettes have been seized from Jayesh Shirsath (PW-7). The cassette and recording instrument as well as copies of orders have been recovered under Recovery Memo from the mother of complainant. The transcripts on the basis of conversation available in the cassette recovered from Jayesh Shirsath (PW-7) and its panchanama have been prepared. The accused was arrested and his voice sample was collected under panchnama. During investigation, it revealed that no exchange of money had taken place and there was no connection whatsoever about the Judges as mentioned in the complaint. The cassettes were forwarded to CFSL for voice examination and received back to the CBI office. However, the cassettes could not be submitted before the Court as the same is not traceable and misplaced while shifting the office.

81. The striking feature of the case in hand, as testified by Investigating Officer K. Babu (PW-9), is that the cassettes which the complainant has handed over to Jayesh Shirsath (PW-7) have not been produced on the record of this Court. During the course of examination-in-chief Dr. Rajinder Singh (PW-10- retired director of CFSL, New Delhi) has deposed that at the time of voice examination of exhibits i.e. normal Audio cassette Q-1 stated to have questioned voice of accused and micro cassette S-1 stated to have specimen voice of accused transferred in the system of CFSL and it will have to be searched with the office if recording of voice is available. Considering such evidence and the fact that the cassettes have not been produced on the record, a direction was given by the Court to witness to search with the record available in

the system, if any, and to produce its copies. As such, according to the prosecution the recordings were found available in the system of CFSL, New Delhi and the copies thereof have been produced on record in a CD alongwith Certificate vide Article-4/1-colly.

82. In this backdrop, it has come in the evidence of Dr. Rajinder Singh (PW-10) that on 25.04.2008 the CFSL has received two sealed parcels from CBI Mumbai containing normal Audio cassette Q-1 and micro Audio cassette S-1. He examined the same by auditory and voice spectrographic technique and the questioned voice tallies with specimen voice. He has proved Forensic Voice Examination Report/ Spectrographic Report (Exh.106). As per directions of Court, he went to CFSL and locate the true copies of conversation preserved in the system. With the help of expert from CFSL, he prepared copies thereof in a CD and verified its contents and found that the contents of recorded CD are as per transcription. He proved CD alongwith Certificate Article-4/1-colly.

83. Material to note that the prosecution has come with the case that the complainant Ketan Tirodkar (PW-5) has recorded the conversation regarding alleged demand of money in the name of Judges and handed over said cassettes to Jayesh Shirsath (PW-7). Jayesh Shirsath has also testified about receiving two cassettes from complainant. However, the complainant in the evidence has stated that he has handed over one set of copy of cassette to Jayesh Shirsath(PW-7) as he want to preserve the backup of said conversation. As such, the handing over of the original cassettes of alleged recording by the

complainant to Jayesh Shirsath (PW-7) itself is in doubt. It is further case of the prosecution that the Transcripts (Exh.78-colly.) of the conversation have been prepared on the basis of recording of conversation in the Audio cassettes recovered from Jayesh Shirsath (PW-7) vide Exh.97. It is thus clear that the transcripts have not been prepared on the basis of original cassettes alleged to be handed over by the complainant to Jayesh Shirsath but from the copy of cassettes and even the said alleged copy of cassettes recovered from Jayesh Shirsath (PW-7) forwarded to CFSL for voice examination.

84. As per case of the prosecution the cassettes handed over by complainant Ketan Tirodkar (PW-5) to Jayesh Shirsath (PW-7) have been recovered from Jayesh Shirsath(PW-7) vide Production-Cum-Seizure Memo (Exh.97) and after preparing transcripts from said cassettes, the cassette containing questioned voice was forwarded to CFSL and the further voice examination was done on that basis. Dr. Rajinder Singh (PW-10- retired director of CFSL, New Delhi) has testified that he has received a normal Audio cassette Q-1 stated to have questioned voice alongwith cassette of sample voice S-1. Milind Gaikwad (PW-4) in paragraph Nos. 13 and 14 of his examination-in-chief has however, firmly testified that the conversation recorded in the micro cassette was played before him and he heard it. He also testified that the transcript Annexure-A was prepared as per conversation heard from micro cassette with the help of cassette recorder. The normal cassette and micro cassette are two different things and not similar. If the cassette recovered from Jayesh Shirsath (PW-7) and forwarded to CFSL as Q-1 is normal cassette then a question arises as to how Milind



Gaikwad (PW-4) has heard the conversation in micro cassette and how transcript was prepared on the basis of conversation heard from the micro cassette. Surprisingly, when the cassette recorder Article-3/1 is shown to the Investigating Officer K. Babu (PW-9) then he testified that the micro cassette is used for recording conversation with the said telephone recording instrument. Thus, again a great doubt arises on the entire story of the prosecution. It has also come in the evidence of Investigating Officer K. Babu (PW-9) that he cannot say if the recording in the cassette was previously done or it was at the time of incidence in question. Such statement becomes important in the light of fact that complainant Ketan Tirodkar (PW-5) in paragraph No. 37 of his cross-examination admits that while working as a crime reporter, he came to know about the modus operandi of Mumbai underworld and also the functioning of police department, he was acquainted with the recording of conversation since his childhood.

85. Jayesh Shirsath (PW-7) also admits in cross-examination that he do not know as to whether the cassettes of conversation handed over to him by complainant Ketan Tirodkar (PW-5) were original or not and were tampered or not. The cassettes have been recovered from Jayesh Shirsath (PW-7) vide Production-Cum-Seizure Memo (Exh.97) on 19.09.2006. There is no question of handing over seal to the person from whom any article is recovered. The seal must always be in the official custody of the concerned officer. In this case, Jayesh Shirsath is not official person of CBI. However, surprisingly there is a mentioned below Exh.97 that, "the seal after use was handed over to Shri Jayesh with direction to keep the same and produce when require by the Court

or CBI on any subsequent date”. The entire evidence of Jayesh Shirsath (PW-7) is however silent about receiving seal from CBI on 19.09.2006 and thereafter, handing over the same to CBI on any subsequent date. We do not know what happened with the said seal.

86. Close analysis of the evidence of panch witnesses namely Ravinder Gupra (PW-6) and Chotelal Yadav (PW-11) makes it clear that their evidence is contrary to each other on material aspect. According to Ravinder Gupta (PW-6), on 03.03.2008 he alongwith Chotelal Yadav (PW-11) had been to CBI office, Tanna house, near Regal Theater, Mumbai in between 10.00 a.m. to 10.30 a.m. and were there till 3.00 p.m. and proceeding of hearing of conversation and preparation of transcripts alongwith its panchnama took place there. Chotelal Yadav (PW-11) has however, put forth another story. According to him, on 03.03.2008 he alongwith Ravinder Gupta (PW-6) had been to the CBI office situated in MTNL building, Fountain, Mumbai at about 3.00 noon and were there till 7.00 p.m. or 7.30 p.m. He further testified that on 03.03.2008 he reached CBI office at about 3.00 noon and prior to that what happened in respect of cassette he is not aware. The evidence of Investigating Officer K. Babu (PW-9) is silent in respect of time and place of preparation of panchnama.

87. Moreover, the Transcription Panchnama (Exh.78-colly.) is typed panchnama and in English language. Ravinder Gupta (PW-6) has however, stated that the CBI officer has scribed panchnama in his handwriting. He also admits in cross-examination that he had not personally read the contents of panchnama and signed the same on the

say of CBI officer. Chotelal Yadav (PW-11) has not supported to the prosecution on some material aspect and therefore, with the permission of the Court the questions in the nature of cross-examination have been put forth to him by the Ld. Prosecutor. As per the case of the prosecution, the voice specimen of accused was collected on 04.03.2008. However, according to panch Chotelal Yadav (PW-11) on 04.03.2008 when he had been to the CBI office, two CBI officers, one constable and another panch Ravinder Gupta were only present there and besides them nobody was present for the proceeding dated 04.03.2008. It is thus clear that the evidence of both these witnesses is not reliable and is sufficient to raise doubt in respect of preparation of transcripts and collection voice specimen.

88. It has come in the evidence of Dr. Rajinder Singh (PW-10-retired director, CFSL, New Delhi) that on 25.04.2008 he received two sealed parcels from CBI, Mumbai as Exh.C and Exh.D. He again marked these parcels as Q-1 and S-1. On opening parcel Q-1, he found the normal Audio cassette stated to have the questioned voice of accused which was marked by him as Exh.Q-1 (A). On opening parcel S-1, he found a micro cassette stated to have the specimen voice of accused which was marked by him as Exh.S-1(A). He examined the same by auditory and voice spectrographic technique and found the questioned voice tallies with specimen voice. He has prepared Forensic Voice Examination Report/Spectrographic Report bearing No.CFSL-2008/P/S-0321 dated 28.07.2008 under his signature. He has proved copy of such report Exh.106. He further testified that at the time of voice examination of exhibits, simultaneously, it is transferred in the system

of CFSL.

89. As per case of the prosecution, complainant Ketan Tirodkar (PW-5) has handed over the cassettes of recording of conversation to Jayesh Shirsath (PW-7) and which later-on recovered from Jayesh Shirsath vide Exh.97 on 19.09.2006. It is the matter of record that the cassettes, which alleged to be seized from Jayesh Shirsath(PW-7) have not been produced on record and misplaced during shifting of CBI office. Considering it and considering the evidence of Dr. Rajinder Singh (PW-10) that at the time of voice examination of exhibits, simultaneously, it is transferred in the system of CFSL, during the course of evidence itself on 13.01.2021 Dr. Rajinder Singh was directed by the Court to search with the record available in the system, if any, and to produce its copies. The prosecution therefore, has produced on record CD alongwith Certificate Article-4/1-colly. vide application Exh.108 on 09.03.2021.

90. In this backdrop, it is further testified by Dr. Rajinder Singh (PW-10) that as per direction of the Court, he took search of relevant record and locate the true copies of the record preserved i.e. specimen and questioned voice from the system. With the assistance of the expert, he prepared copies of voice recording in a CD and verified and compared with the transcription provided. The contents of recorded CD are in conformity with the copies of transcription.

91. Necessary to note that it has come in the evidence of complainant Ketan Tirodkar (PW-5) that he has handed over one set of

copy of cassette to Jayesh Shirsath (PW-7). The cassettes have been alleged to be recovered from Jayesh Shirsath. As per case of the prosecution said recovered cassette from Jayesh Shirsath forwarded to CFSL. It is thus clear that the original cassette of alleged conversation neither recovered nor forwarded to the CFSL.

92. Last two lines from bottom on page No. 2 of Transcription Panchnama (Exh.78) makes it clear that the black cassette alongwith old wrapper were put inside a fresh brown envelope and were signed by the panchas and it was then sealed with CBI seal after wrapping the same in piece of cloth marked as Exh.C signed by panchas. The 05 facsimile of the seal which has been used for sealing is also given on page No. 3 of panchnama. Chotelal Yadav (PW-11) has also stated that the cassettes were wrapped and kept in brown envelope. Dr. Rajinder Singh (PW-10) in cross-examination has however, stated that he found normal cassette Q-1 in an orange colour envelope. The Forensic Voice Examination Report (Exh.106) having reference in respect of orange colour paper envelope with 07 seals.

93. According to Dr. Rajinder Singh (PW-10) he had selected six sentences for Spectrography and also mentioned it in the report Exh.106 under title Exh.Q-1 and Exh.S-1. He however, admits in cross-examination that out of those six sentences as referred in the report Exh.106 he find only four sentences in the transcription and the sentences, “wo kab tak arrange ho jayega and abhi aap rahene dijiye” are not found in the transcription. Jayesh Shirsath (PW-7) in paragraph No. 42 of cross-examination admits that portion mark ‘A’ of Annexure-A

of Exh.78 (Transcription Panchnama) is not appearing in the conversations of CD Article-4/1. He further admits that at the time of preparation of Annexure-A of Exh.78 (Transcription Panchnama) he had heard the cassettes and the portion mark 'A' of Exh.78 (Transcription Panchnama) was there, however, in the CD Article-4/1 which he heard before the Court the portion mark 'A' of Annexure-A of Exh.78 is not appearing and therefore, both things are different and are not similar.

94. It is claimed by the witness Dr. Rajinder Singh (PW-10) that at the time of voice examination of exhibits, simultaneously, it is transferred in the system. Therefore, he was directed by the Court to search the record in the system, if any, and to produce copies thereof. Dr. Rajinder Singh testified about such search in the system and copying the data of conversation available in the system in a CD vide Article-4/1. However, in cross-examination he admits that the voice recorded in Audio cassettes Exh.Q-1 and Exh.S-1 were copied into separate compact disc. He further admits that for the purpose of analysis in the year 2008 he prepared two CD's from the cassettes. He again admits that the original cassettes were not played on the computer and data from the original cassettes were copied into two CD's by him in the year 2008 and from those copied CD's the work of Spectrography have been carried out. According to him, the possibility of damage to those two CD's copied in the year 2008 cannot be ruled out. From above it appears that in fact the cassettes Exh.Q-1 and Exh.S-1 which have been received by the CFSL have not been directly played on the system of CFSL for analysis. On the other hand, the data of said two cassettes Exh.Q-1 and Exh.S-1 have been copied in two CD's by the CFSL in the

year 2008 and the work of analysis carried out on the basis of data copied on two CD's. As such, there is no question of transferring the data from cassettes Exh.Q-1 and Exh.S-1 on the system of CFSL. In the result, there is no question of searching the data of the conversation on the system of CFSL and copying the said data from the system in a CD Article-4/1.

95. Dr. Rajinder Singh (PW-10) deposed that after examination of the voice he has prepared his report bearing No.CFSL-2008/P/S-0321 dated 28.07.2008 under his signature. However, it is the matter of record that the prosecution has not produced original Forensic Voice Examination Report on record. On 05.02.2019 prosecution had filed an application Exh.76 for depositing attested copy of Forensic Voice Examination Report dated 28.07.2008 on record and as per order of the Court it is taken on record below Exh.106 and it is bearing No.CFSL-2008/P/-0321. Therefore, both these reports are not similar and as such, the attested copy of report Exh.106 cannot be said as copy of original report bearing No.CFSL-2008/P/S-0321.

96. The above referred reasons are sufficient to create doubt about the genuineness of the alleged conversation, transcription, collection of voice specimen, voice examination and forensic voice examination report as well as on the credibility of complainant Ketan Tirodkar (PW-5), Jayesh Shirsath (PW-7), Ravinder Gupta (PW-6), Chotelal Yadav ( PW-11), K. Babu ( PW-9) and Dr. Rajinder Singh (PW-10).

97. Rajeshkumar Sadharam (PW-1) is the witness on the point of stay of complainant Ketan Tirodkar (PW-5) in the hostel of Indian Institute of Public Administration, New Delhi. He has proved extract of Visitors Register(Exh.55). N.K. Choudhari (PW-3) is Divisional Engineer, BSNL, Thane. According to him, telephone No. 2435788 was in the name of Mrs. Rajni Kamlakar Tirodkar. He has produced some documents vide Exh.71-colly. However, in the written complaint (Exh. 86) it is mentioned that the telephone recording instrument was attached with the MTNL landline number and not with the BSNL landline number. Dattatrya Lahu Sawant (PW-8) is the Nodal Officer, TATA Tele Services, Navi Mumbai. He has produced CDR of TATA phone No. 251-5615536 alongwith Certificate. However, it is not at all case of the prosecution in respect of alleged recording of conversation with the help of TATA phone.

98. Gulshan Arora (PW-2) at the relevant time was working as Nodal Officer in Hutchison Essar Mobile Services Ltd. He had produced CDR details in respect of two mobile numbers namely 9811788126 and 9811788137 vide Exh.69-colly. as well as Certificate Exh.69-A. In his evidence he has given graphical narration of the calls in between above referred mobile numbers as well as phone Nos. 02512435788 and 02515615536. In this reference, it is the case of the prosecution that accused has used above referred two mobile numbers while making calls to the complainant Ketan Tirodkar(PW-5) which have been recorded by him. However, undisputedly neither these two mobile phones have been seized nor referred for forensic analysis. Gulshan Arora (PW-2) testified that the above referred mobile numbers were



registered in the name of Mr. Shankar Roy and Mr. Sardare Singh. Both the above mobile numbers thereafter have been transferred in the name of Mr. Mohmad Amjad, House No. 555, Lane No. 7, Old Mustafabad, near Noor Masjid, Delhi-110094. He has also testified in respect of address of earlier subscriber Mr. Shankar Roy and Mr. Sardare Singh. Neither the complainant Ketan Tirodkar (PW-5) nor any other witness has testified that these two mobile numbers have been used by the accused for making alleged calls to the complainant. As such, there is no evidence at all to connect and to show that these two mobile numbers have in fact been used by the accused for making calls to the complainant. No investigation appears to be carried out by the Investigating Officer to establish the said important link which is missing. As such, the evidence of Gulshan Arora (PW-2) and CDR Exh.69-colly. loses significance.

99. It has come in the evidence of complainant Ketan Tirodkar (PW-5) that he had filed fresh bail application which Hon'ble Mr. Justice A ( Hon'ble Mr. Justice of Hon'ble Bombay High Court) was pleased to accept across the bar and in the last para of it he had mentioned regarding the demand of bribe in his name. However, neither the complainant has handed over copy of such bail application to the Investigating Officer nor it was collected during the course of investigation. No investigation appears to be carried out in respect of the friend of the complainant from whom the complainant has alleged borrowing of telephone recording machine. According to the complainant, while he was in judicial custody, he had handed over a letter to the Investigating Officer in the name of his mother for handing

over copy of cassette to the Investigating Officer. However, no such letter is produced on record for the reasons best known to the Investigating Officer.

100. As per case of the prosecution one cassette, the telephone recording instrument and copies of order of Hon'ble High Court, Bombay have been recovered from the mother of the complainant. It is mentioned in the written complaint(Exh.86) that, "I then received a call from Faraz Khan on Sunday afternoon and my mother asked him to call on my MTNL number at around 6 p. m. This she did on my request since I had attached recording machine to the MTNL number." However, the prosecution has not adduced evidence of the mother of the complainant and we are not aware the reasons for such non examination of material witness. The complainant has also testified that he had a discussion with his parents about the incidence in question. However, neither the father nor the mother of the complainant have been examined by the prosecution. The reasons are best known to the prosecution only. According to the Investigating Officer K. Babu (PW-9), he is not aware as to whether the cassette recovered from the mother of complainant is original or copy and he cannot say anything about the originality of cassettes seized from Jayesh Shirsath (PW-7). He has also not inquired with the complainant Ketan Tirolkar (PW-5), Jayesh Shirsath (PW-7), Milind Gaikwad (PW-4) and mother of complainant regarding copies of the cassettes. He further admits that he cannot say if the recording in the cassette was previously done or it was at the time of incidence in question. He further admits that he has not mentioned in the charge-sheet as to when the cassettes were forwarded to the CFSL

and also not remembering about it. He again admits that he has not recorded statement of Dr. Chitnis and Soni, whose names surfaced in the evidence of complainant. He further admits that the mobile phones alleged to be used by the accused have not been seized. Thus, it is clear that there are several lapse in the investigation which goes to the root of the matter.

101. In the written complaint(Exh.86) itself the complainant Ketan Tirodkar(PW-5) has made the averments that “The complainant got alert and decided to trap humbug of Faraz Khan. By this time the complainant was doubly sure that the case was being heard on merits and time was granted firstly for lack of a specific Court order and then further extended after he produced University Hall Ticket and pleaded about his engagement”. As such if the complainant was sure about the alleged humbug of accused and was also sure that the case was being heard on merits and about extension of time for the reasons then no question arises at all in respect of alleged inducement of public servant by corrupt or illegal means or in respect of alleged inducement by exercise of personal influence. Close analysis of the evidence of complainant Ketan Tirodkar (PW-5) makes it clear that there is nothing therein to show the alleged representation by the accused to the effect that he is brother-in-law of Hon’ble Mr. Justice B ( Hon’ble Mr. Justice of Hon’ble Delhi High Court ) by way of personation. It is thus clear that the prosecution has failed to prove the essential ingredients of Section 416 punishable under Section 419 r/w. Section 511 of Indian Penal Code and Sections 8 and 9 of the Prevention of Corruption Act.

102. No particular number of witnesses shall in any case be required for the proof of any fact and it is permissible to record and sustain a conviction on the evidence of solitary witness, if it inspires confidence of the Court. It is the rule which is incorporated under Section 134 of the Indian Evidence Act. However, for the above referred aspects, I must look for corroboration before acting upon evidence of complainant Ketan Tirodkar(PW-5). At the same time, there is no corroboration to the testimony of complainant Ketan Tirodkar(PW-5). The evidence and material produced by the prosecution are not found corroborative to the testimony of complainant Ketan Tirodkar(PW-5). For the above referred reasons, I am not inclined to accept uncorroborated version of complainant Ketan Tirodkar(PW-5) as his evidence is not inspiring confidence.

103. After scanning the entire material and evidence it is crystal clear that the evidence of the prosecution witnesses lacks with the necessary assurance required in a criminal trial. There is no corroboration to the testimony of complainant Ketan Tirodkar(PW-5). I am not inclined to accept uncorroborated version of complainant Ketan Tirodkar(PW-5) as his evidence is not inspiring confidence. In the case of **Yusufalli, cited supra**, it is observed that, "one of the features of magnetic tape recording is the ability to erase and re-use the recording medium. Because of this facility of erasure and re-use, the evidence must be received with caution. The Court must be satisfied beyond reasonable doubt that the record has not been tampered with." In the case in hand, for above reasons there is every doubt about genuineness of conversation alleged to be recorded. The rest case laws cited by Ld.

SPP are on the point of appreciation of evidence and I am very much guided by the same and also kept those observations in mind while appreciating evidence of witnesses. In the case in hand there is every doubt about the genuineness of the alleged conversation, transcription, collection of voice specimen, voice examination and forensic voice examination report as well as on the credibility of complainant Ketan Tirodkar (PW-5), Milind Gaikwad(PW-4), Jayesh Shirsath (PW-7), Ravinder Gupta (PW-6), Chotelal Yadav (PW-11), K. Babu (PW-9) and Dr. Rajinder Singh (PW-10). There is several serious lapse in the investigation which goes to the root of the matter. The prosecution has failed to prove the essential ingredients of Section 416 punishable under Section 419 r/w. Section 511 of Indian Penal Code and Sections 8 and 9 of the Prevention of Corruption Act. The entire case of the prosecution is reeling under great shadow of doubt and several thick clouds of doubt appearing on the case of prosecution. The benefit of doubt therefore must go in favour of accused. The prosecution has failed to prove it's case beyond all reasonable doubt. A doubt which is real,arises from record and existed on due scrutiny and not mere fanciful doubt. Thus, I answer point numbers 1 to 3 in negative.

**As to Point No.4:**

104. In view of foregoing discussion and answer to point numbers 1 to 3 accused deserve acquittal on benefit of doubt. In the result I pass the following order:

**ORDER**

1. Accused Faraz Sultan Khan is acquitted of the offence under Section 416 punishable under Section 419 r/w. Section 511 of

Indian Penal Code and Sections 8 and 9 of Prevention of Corruption Act, 1988 vide Section 248(1) of Code of Criminal Procedure.

2. The bail bonds of accused stands cancelled.
3. The muddemal property i.e. cotton cloth (Article-3) ,yellow paper envelop(Article-4) andCD alongwith plastic container(Article4/1) be destroyed after appeal period is over.
4. The muddemal property telephone-cum-recording machine (Article3/1) of Fonotel model be returned to Smt. Rajni Kamlakar Tirodkar who is mother of complainant Ketan Tirodkar after appeal period is over.
5. Accused to submit fresh bail bonds to the tune of Rs.15,000/- as per the provisions of Section 437-A of Code of Criminal Procedure.

[Dictated and declared in open Court.]

**Mumbai:**  
**Date: 03.11.2023**

**(M.R.PURWAR)**  
**Special Judge (CBI)**  
**Court Room No.53,**  
**Gr. Bombay.**

Typed on : 25.10.2023, 26.10.2023, 27.10.2023, 30.10.2023,  
31.10.2023, 01.11.2023, 02.11.2023 and  
03.11.2023.  
Checked on : 03.11.2023.  
Signed on : 03.11.2023.

“Certified to be true and correct copy of the original signed order”.

03.11.2023  
at about 5.25 P.M.

(Pushpa Rajan Vengurlekar)  
Stenographer (H.G.)  
Court Room No.53

Name of the Hon'ble Judge : Shri. M.R.Purwar  
(Court Room No.53)

Date of pronouncement of Judgment/Order : 03.11.2023.

Judgment/Order signed by Hon'ble Judge on : 03.11.2023.

Judgment/Order uploaded on : 03.11.2023.