

**IN THE COURT OF DIG VINAY SINGH, SPECIAL JUDGE (PC ACT),
CBI-09 (MPs/MLAs CASES), ROUSE AVENUE DISTRICT COURT,
NEW DELHI.**

*CC No.53/2022
CNR No. DLCT11-000538-2022
FIR No. RC-09(A)/2016
P.S. CBI/AC-III/ New Delhi
U/s 120B of IPC r/w Section 13(2) r/w 13(1)(d) of PC Act, 1988*

CBI

Versus

- A-1 Amanatullah Khan S/o Late Wali Ullah Khan**
- A-2 Mahboob Alam S/o Abdul Moid**
- A-3 Hamid Akhtar S/o Late Mohd. Akhtar Alam**
- A-4 Kifayatullah Khan S/o Shafkatullah Khan**
- A-5 Rafiussshan Khan S/o Noorul Islam Khan**
- A-6 Imran Ali S/o Akbar Ali**
- A-7 Md. Ahrar S/o Md. Zubair**
- A-8 Aquib Jawed S/o Md. Taufique Ahmed**
- A-9 Azhar Khan S/o Masood Ali Khan**
- A-10 Zakir Khan S/o Late Sabir Khan**
- A-11 Abdul Mannar S/o Syed Mohd. Zahid**

Order on Charge

1. Among the 11 accused, 8 have filed discharge applications. While A-1, A-2, & A-3 have submitted separate discharge applications, the 4th discharge application has been collectively filed by A-4, A-5, A-8, A-10, & A-11. The remaining 3 accused verbally argued against the framing of charges

and sought discharge in terms of Section 227 of Cr.P.C. (Section 250 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)).

2. Before proceeding, it be noted that it is well settled in law that at this stage, the Court need not weigh and sift through the evidence as if passing a judgment; a mini-trial is not required, and if the materials collected by the Investigating Agency reflect strong suspicion, that alone suffices to frame charges. At this stage, the Court cannot sift the evidence forming a part of the charge sheet to separate the grain from the chaff. The Judge has merely to sift the evidence to find out whether or not there is sufficient ground for proceeding. At this stage, the Court does not need to evaluate the truthfulness or veracity of the material presented before it. The Court need not even determine whether the evidence is sufficient to support a conviction. Those considerations will require attention once the evidence is recorded. At this stage, the court has to merely consider the broad probabilities, the total effect of the evidence and documents produced, any basic infirmities in the case, and so forth. However, this does not entitle the court to make a roving inquiry into the pros and cons. At this stage, the probative value of the material on record cannot be assessed, and the material presented by the prosecution has to be accepted as true. The defence of the accused cannot be examined at the stage when the accused seeks to be discharged under Section 227 Cr.P.C. (Section 250 of BNSS). The Code does not grant the accused the right to produce any document at the charge-framing stage. During this stage, the accused's submission should be limited to the material provided by the prosecution. The established principle is to rely on the materials presented by the prosecution, both in the form of oral statements and documentary evidence, and to act upon them without subjecting them to questioning through cross-examination, assuming in favour of the prosecution.

(Reliance; K. H. Kamaladini v. State 2025:INSC:745; M.E. Shivalingamurthy v. CBI, (2020) 2 SCC 768; State of Orissa v. Debendra Nath Padhi (2005) 1 SCC 568; State of J&K v. Sudershan Chakkar (1995) 4 SCC 181; P. Vijayan v State of Kerala (2010) 2 SCC 398; State of Rajasthan v. Fatehkaran Mehdu, (2017) 3 SCC 198; State v. S. Bangarappa, (2001) 1 SCC 369; Akbar Hussain v. State of J&K, (2018) 16 SCC 85; Mauvin Godinho v. State of Goa, (2018) 3 SCC 358)

3. With that legal principle in mind, let the material be examined to determine whether there is any basis to frame charges against the accused or if any of them should be discharged.
4. In the FIR, there were 10 different allegations made regarding the alleged illegalities and the offences committed. However, after investigation, only 4 allegations are claimed to have been substantiated as having a criminal element, while the remaining 6 were found to be mere ‘administrative irregularities’, as per the prosecution’s case. Therefore, the discussion in the present order is confined to the allegations that are claimed to be substantiated.

4.1. The 10 allegations in the FIR were;

1. *Wrongful Appointment of A-1 Mr. Amanatullah Khan as Chairman of Delhi Waqf Board (DWB)–(para 16.1.1).*
2. *Illegal Appointment of A-2 Mr. Mahboob Alam as CEO of DWB – (16.1.2)*
3. *Arbitrary Staff Engagement & Financial Mismanagement – (16.1.3). (33 staff members engaged without advertisement or due process under NAWADCO and other categories; excess remuneration granted).*
4. *Unauthorised Leasing of Properties – (16.1.4)*
5. *Allegations of Corruption Against Chairman – (16.1.5). Formal complaints by DWB members against A-1 for corruption.*
6. *Misuse of Financial Powers – (16.1.6). Chairman’s and CEO’s spending powers enhanced to ₹2 lakh and ₹1 lakh respectively; allegedly used for unjustified procurements.*
7. *Misappropriation in Vehicle Purchase – (16.1.7). Ciaz cars and Eeco van bought instead of an ambulance.*
8. *Illegal Vigilance Committee Appointment – (16.1.8)*
9. *Irregular Consultant Appointment of A-3 Mr. Hamid Akhtar – (16.1.9)*
10. *Unauthorised Increase in Sanctioned Staff Strength – (16.1.10)*

- 4.2. Out of them, only the accusations under allegation numbers 2, 3, 8 & 9 are claimed to be substantiated. Even from the allegation related to the appointment of 04 persons under the '*NAWADCO SCHEME*' (3rd allegation), it was also found to be an administrative irregularity only.
- 4.3. During arguments on charge, a supplementary charge sheet was also filed under which the Investigating Agency investigated some issues regarding the procurement of computers, accessories, different articles, and renovation of the office. After investigation, the CBI concluded that, qua the procurement and renovation, no prosecutable evidence could be found.
- 4.4. The filing of the supplementary charge sheet addresses the argument raised by the accused persons that charges cannot be framed until further investigation is pending.
5. Briefly stated, CBI claims that the investigation revealed that all 11 accused persons conspired to commit the crime as follows. The prosecution argues that A-1 (Amanatullah Khan) was illegally appointed as Chairperson of Delhi Waqf Board (DWB) on 12.03.2016 by the Deputy Chief Minister, allegedly *without placing the matter before the LG*, violating Delhi Waqf Rules. In conspiracy with A-2 (Mahboob Alam), he appointed A-2 as CEO of the DWB, a position for which the advertisement was seemingly tailored to suit him, bypassing standard procedures and legal requirements, against the rules and norms. After this, they, in collusion with other accused persons, appointed A-3 to A-11 to various positions, also against all rules and norms, which will be elaborated on later. It is claimed that many of those appointed to different posts in the DWB were either relatives of A-1 or known to A-1. Most of these individuals were already unofficially working at different positions in the DWB even before their formal appointments in question, and they were subsequently issued salaries without the necessary approval from the

Revenue Department. During this process, a genuine selection procedure was misrepresented, serving as a mere disguise. I will delve into the allegations against each of the 11 accused with further details later, to avoid repetition. Cognizance was taken on 23.11.2022 for the offence of criminal conspiracy against all 11 accused persons, and additionally for the substantive offence under Section 13(2) of the POC Act, 1988, against A-1 & A-2. The requisite sanction u/s 19(1)(b) of the POC Act, qua A-1 & A-2, dated 20.07.2022, is already on record.

5.1. At the time of taking cognizance of the offence, the Id. predecessor Court made the following observations. Relevant portion of the said order reads thus:-

“Hence, after perusal of contents of the chargesheet and the documents filed in support of the same, this court is of the considered opinion that there are sufficient grounds for proceeding further in the matter against all the eleven accused persons chargesheeted in the case for commission of the offence of criminal conspiracy punishable U/S 120-B IPC r/w Section 13(2) r/w 13(1)(d) of the PC Act. However, as far as the commission of substantive offence punishable U/S 13(2) r/w 13(1)(d) of the PC Act is concerned, sufficient material for proceeding further in the matter for this offence is found only against A-1 and A-2 and not against any of the other accused, as alleged in para no. 16.7.13, of the chargesheet on page 34 thereof, as the remaining accused persons, i.e. all the accused persons except A-1 and A-2, do not prima-facie appear to have committed the offence of criminal misconduct by a public servant because none of them was holding any public office at the relevant time of commission of the alleged offences, which could have been abused. Sanctions U/S 19 of the PC Act as well as U/S 197 Cr.P.C. for prosecution of A-1 and A-2 for the alleged offences have also been obtained by the IO from the competent authority concerned and are found annexed with chargesheet as a part of the documents enclosed therewith. Some further investigation in the matter against other persons is also stated to be still pending and it has been submitted in the chargesheet that supplementary chargesheet in this regard will be filed later on, when it is concluded.

Therefore, in view of the above, cognizance of the alleged offences is taken accordingly by this court against all the above accused persons chargesheeted in this case and they all are directed to be summoned for next date.....”

6. Some common contentions raised by the accused persons are;

- The appointments adhered to the law, and there is no proof of conspiracy. The ingredients of Section 120B of the IPC or Section 13(1)(d) of the PC Act are not satisfied.
- There is a difference between irregular and illegal appointments. Even if certain appointments did not strictly follow the prescribed rules and procedures, they cannot be regarded as illegal, exposing the actors to penal consequences. At most, presuming there was some lapse, it might have implications in the service law context, but it cannot justify criminal charges against the accused. While there may be procedural anomalies, these constitute administrative irregularities and do not meet the criteria under section 13(1)(d) of the PC Act 1988. Merely procedural violations in appointing a person do not necessarily imply that either the appointee or the appointing authority acted with dishonest intent.
- The payments made to accused numbers 2 to 11 for the period they served DWB cannot be considered a valuable benefit or pecuniary advantage as defined under section 13(1)(d) of the PC Act. The legitimate salaries earned by employees, alleged to be acquaintances or relatives of the accused and appointed by the recruitment committee, have been mischaracterised as receiving pecuniary advantages. These salaries are simply earnings for livelihood and do not qualify as pecuniary benefits. Only the salary received is classified as a pecuniary advantage; there is no evidence of bribery or other financial gratification received by any person during or beyond their employment period.
- Historically, no lawful recruitment procedures were followed, and staff were appointed solely based on instructions from the Chairman or CEO without proper approval. Consultants were previously engaged on contracts without sanctioned posts, and no government consultation was obtained. Traditionally, DWB's recruitment practice was that appointments were made on the instructions of the Chairman or CEO without approval from revenue or finance departments, and such appointments have not been criminalised before. Before the Board was formed under A-1, very few staff were engaged either on contract or through committee appointment under Section 24 of the Waqf Act, 1995.
- It is claimed that the recruitment rules approved by the Board were neither rejected nor formally accepted by the Government, and Board approval was sufficient.
- The charge sheet does not specify how the staff strength of 64 was determined, what procedures were used, or how prior approval from the State

Government was obtained. There is no record with DWB regarding the creation of these 64 posts. Therefore, claiming that 64 represents the total sanctioned strength is unfounded. It is acknowledged that DWB had no record of sanctioned strength or sanctioned posts, and the assertion that appointments exceeded sanctioned strength is factually incorrect. As a result, the entire case alleging appointments beyond the sanctioned strength through the contested recruitment lacks any basis.

- The prosecution selectively chose whom to charge while excluding others. According to the prosecution's assertion, a total of 41 appointments were made through the disputed recruitment process; however, the charge sheet has been filed against only 10 individuals, while 31 of those appointed have been excluded. The CBI displayed bias, describing a pick-and-choose policy in the investigation and in selecting accused individuals while sparing others.
- The disputed appointment or recruitment process was carried out by a recruitment committee established through a Resolution dated 04/28/2016, which included the CEO, Chief Legal Officer (LW-21), a Board member (LW-22), and a special invitee. The appointments were made based on recommendations from this committee, not arbitrary decisions by A-1 or A-2. When appointments are made by the Chairman, they are based on recommendations from a Selection Committee appointed by the Board, consisting of the Chairman and two other Board members. A committee was unnecessary for appointing MTS, categorised as Class III employees. Yet, in this case, a committee was formed.
- Neither was the Chairman part of this committee, nor is there any allegation suggesting he was related to or knew any committee members. Two committee members, specifically the Chief Legal Officer and the Board Member, are identified as LW 21 and LW 22. From LW 22's statement, it is clear that Shri Shakir Ali, a member of the DWB, chaired the recruitment committee. The witness stated that he did not know that most candidates were related to A-1 or had previously worked at DWB, indicating fairness. His statement suffices to affirm that the Recruitment Committee Chairman was not influenced. Therefore, even if a relative of any Board member or the Chairman was recruited through this process, the recruitment was based on recommendations from the Recruitment Committee, negating bias or unfairness, especially since none of the accused is related to any committee member.
- LW 22, Shri Shakir Ali, the Recruitment Committee Chairman, stated that on 01.06.2021, he instructed Mohit Aggarwal [LW-15] to cancel applications from candidates who did not specify the post applied for, indicating

no need to send call letters. However, the IO did not acknowledge that this instruction was given after the interview dates had been set. Since the interview schedule was already shared, it was improper to change it based on verbal instructions retroactively. The interviews began before instructions to reject incomplete applications were issued, as per LW-22. Applicants applied via email or in person, and the applications and CVs were kept in official records, indicating that the process was correctly followed.

- While the recruitment process was ongoing, candidates were permitted to work at DWB, which was contested by LW 18 and LW 19, leading to the formation of the recruitment committee and subsequent appointments. The claim that individuals recruited through this process previously worked at DWB does not, even if true, imply criminal liability for the accused, especially in light of the statements made by LW-10, 11, 15, and 17.
- They began their duties after being selected by the recruitment committee. The DWB appointed these employees in response to increased requirements and considering its workload. These employees have diligently performed their jobs at the DWB. Furthermore, the CBI does not claim that the services of the appointed employees were unnecessary for the DWB. Ad hoc hiring was common in DWB. The CBI does not assert that the employees failed to fulfill their duties as per their job profiles; the only allegation is that they were selected without following proper procedures. Additionally, it is undisputed that the appointed employees received no extra remuneration beyond their period of service. The Constitution does not prohibit engaging individuals on a temporary or daily wage basis to meet situational needs.
- Furthermore, Section 24 of the Waqf Act states that the Board shall receive adequate assistance from the necessary officers to ensure proper functioning. Under section 24(1), consultation with the State Government is only required to determine the number and type of staff, not to obtain approvals. The prosecution does not argue that increasing staff was unnecessary; therefore, approval from the Administrative Department could have been obtained later.
- Furthermore, the charge sheet does not include any documents showing a financial loss to the exchequer. There is no evidence of loss or intentional harm to the department.
- A-3 to A-11 are not public servants.
- Charges cannot be framed while further investigations are ongoing, as stated by the CBI itself.

7. For clarity, the role of accused persons and the material against them is discussed separately as follows. The role of A-1 shall be taken up after the roles of others, as that itself would take care of most of the role of A-1.
8. **(A-2) Mr. Mahboob Alam:**
- 8.1. Briefly, it is alleged that A-1 and A-2 conspired to appoint A-2 as CEO of DWB by manipulating the recruitment process and tailoring the requirements while inviting applications for the position, to place A-2 in the role unlawfully. A-2 was already working in DWB even before his official appointment. A-2 was a retired IPS officer brought into DWB by A-1. The advertisement for the CEO position was "tailor-made" to suit A-2, specifying "Retired IAS/IPS age between 60 to 65" when the rule (Rule 43) states "Open to all Graduates" and a retirement age of 58 (extendable to 60). The ad was only published in Urdu newspapers, contrary to the rule requiring advertisements in Hindi and English. A board resolution for his appointment was passed on 06.04.2016, even before the resume submission deadline (08.04.2016), and no interview was conducted. A-1 misrepresented facts by claiming that a meeting on 14.03.2016 discussed the CEO appointment, which the minutes did not support. His appointment was not published in the Official Gazette, as per Section 23 of the Waqf Act. His provisional salary of Rs. 75,000/- was set by board resolution, not by the Services Department, resulting in him receiving a "pecuniary advantage" of Rs. 4,44,375/-. The Lieutenant Governor ordered the revocation of his appointment on 7.11.2016, due to a lack of prior approval. After his appointment, A-1 and A-2 conspired to appoint A-3 to A-11 to different posts by manipulating the recruitment process.
- 8.2. Apart from the common contentions, A-2 claims that his appointment was lawful; he did not conspire with anyone; there is insufficient evidence

against him to suggest conspiracy or other crimes warranting charges. A-2 argues that the prosecution does not claim he was unqualified; he had a distinguished 33-year career in the Indian Police Service, retiring in 2014 from various prestigious roles, making it clear he was qualified. Furthermore, A-2 states that a fair selection process was conducted after the advertisement calling for applications, with interviews approved by the then Chief Minister of Delhi, rendering the allegations unfounded.

8.3. A-2 cites *Vinod Kumar Vs. UOI 2024 SCC Online SC 1533* & *S. Manimekhala Vs. State of Kerala 2024 SCC Online Kerala 472* to differentiate between irregular and illegal appointments, emphasising that even if certain appointments did not strictly follow the prescribed rules and procedures, they cannot be regarded as illegal. He also cites *Additional SP CBI Vs. G. B. Anbalagan 2014 SCC Online Mad 4932*. All these cases differ significantly in terms of their facts. In the present case, the appointment method indicates far more than just mere irregularities.

8.4. A-2 further cites *State of M. P. Vs. Sheetla Sahai (2009) 8 SCC 617* and *Anbalagan (supra)*, arguing that the CBI displayed bias in selecting accused individuals while sparing others. Even those judgments differ from the current case facts and do not support the defence. In the case of *Anbalagan (Supra)*, the doctors who filed declaration forms before the MCI were not arrayed as accused; only the Dean, who countersigned the declarations alleged to be false, was prosecuted. In the case of *Sheetal Sahai (Supra)*, those individuals connected with the decision in question were not proceeded against without justification. Meanwhile, those accused who held office for only a short time, and even some who had retired before the file was moved, were arrayed as accused. In the case of *S. Manimekhala (Supra)*, no allegations were found against R3. Against R2, the only allegations were that he was appointed as an Assistant

Director in violation of established rules. In those peculiar facts and circumstances, no criminality was found. It was held that mere procedural violations in appointing a person to a specific post do not necessarily imply that either the appointee or the appointing authority acted with dishonest intent. In contrast, the facts and circumstances of this case suggest an underlying *mens rea* in the appointments of various accused individuals.

- 8.5. As regards the assertion that the allegations made by the CBI do not meet the ingredients of Sec. 13(1)(d) of the PC Act 1988 (as it stood unamended), A-2 turns to *Dasrath Singh Chauhan Vs. CBI* (2019) 17 SCC 509; *C. Surendranath Vs. State of Kerala* 2024 SCC Online Kr 210; *M. Narayanan Nambiar Vs. State of Kerala* AIR 1963 SC 1116; *C.K. Jaffer Sharif Vs. State* (2013) 1 SCC 205; and *Dhananjai Kumar Pandey Vs. CBI* 2015 SCC Online Bombay 5625. These judgments also differ in their specific facts and are of little help to the accused.
- 8.6. Also, the argument presented is that there is no apparent criminal conspiracy in the allegations, referencing *State Vs. Navjot Sandhu* (2005) 11 SCC 600 and *Yogesh Vs. State of Maharashtra* (2008) 10 SCC 394. But these cases, too, do not align with the particulars of this case and do not aid the defence at this stage.
- 8.7. Additional reliance is placed on *Vinubhai Haribhai Malviya & Ors. Vs. State of Gujarat & Ors.* AIR 2019 SC 5233; *Luckose Zachariah & Ors. Vs. Joseph & Ors.* 2022 (2) RCR (Criminal) 260; *Parakramsingh Khumansinh Zala Vs. State of Gujarat R/Special Criminal Application No. 8323 of 2020, adjudicated by the Hon'ble Gujarat High Court*; and *State Vs. Mohd. Kasim & Ors.* 2023 SCC Online Del 1835, emphasising that charges cannot be framed while further investigation is ongoing. But

again, those judgments do not align with the facts here and do not support the accused at this juncture.

- 8.8. On the issue of the Court's authority at the stage of charge, A-2 cites *Dilawar Balu Kurane Vs. State of Maharashtra (2002) 2 SCC 135*; *UOI Vs. Prafull Kumar Samal (1979) 3 SCC 4*; *Jitendra Singh Vs. State of Rajasthan, S.B. Criminal Revision Petition No. 265/2023*; *State of M.P. Vs. Sheetla Sahai (supra)* and *Sajjan Kumar Vs. CBI (2010) 9 SCC 368*, which is the legal position mentioned in para 2 of this order.
- 8.9. In the case of *TSR Subramanian & Ors. Vs. UOI W.P. (Civil) 234/2011*, decided by the Hon'ble Supreme Court on 31.10.2013, the issue was different concerning the Writ of Mandamus, where some remarks regarding how Civil Servants should react to oral directions by superiors were referenced (in Para 33).
- 8.10. In the case of *Dhananjai Kumar Pandey (Supra)*, the specific facts indicated that even if the entire contents of the FIR were accepted as true, the ingredients of the alleged offences were not established. It was also noted that the petitioner remained in service, and unsuccessful candidates or the department did not contest his appointment. Mere irregularities in the selection process were observed, leading to the conclusion that the criminal prosecution could not continue.
- 8.11. In the case of *Uma Devi (Supra)*, the Court considered the confirmation of temporary or contractual employees. The facts of that case differ significantly. While addressing that case, the Hon'ble Supreme Court remarked that the Constitution does not prohibit engaging individuals on a temporary or daily wage basis to meet situational needs. However, it was also observed that such engagements cannot be misused to undermine the principles of public employment.

- 8.12.** In *O. Sankara Narayanan Vs. State of Kerala 2023 SCC Online Kerala 3660*, there were no allegations of dishonest intent regarding the questioned appointments. In that case, it was held that mere violations of rules and departmental norms were insufficient in the absence of allegations of dishonest intent.
- 8.13.** **On the other hand, the prosecution asserts** that A-2, in conspiracy with A-1, secured his appointment as CEO through an order dated 28.04.2016. After his appointment, he was made a member of the recruitment committee and oversaw staff appointments. To further the conspiracy, he manipulated the recruitment process to appoint candidates who were either A-1's relatives or known to him, with orders for their engagement issued under A-2's signature. As CEO, he failed to perform his duties as per Section 26 of the Waqf Act, 1995. He received a total salary of ₹ 4,44,375/- from May to September 2016, gaining this financial benefit solely due to his position.
- 8.14.** He conspired with A-1 to tailor the advertisement for the CEO position, including inadequate publicity and unjustified age relaxations. Evidence indicates he began working at DWB in the last week of March 2016, before his official appointment on 28.04.2016. A-1 specifically recruited him for this role, with an advertisement published in 10 Urdu-language newspapers on April 3rd and 4th, 2016, but deliberately not in Hindi or English newspapers. The advertisement stipulated that the applicant should be a retired IAS/IPS aged between 60 and 65, with applications due within 5 days. However, even before the deadline of 09.04.2016, the DWB passed a resolution on 06.04.2016, appointing A-2 as CEO, prior to the application deadline. This advertisement violated Rule 43 of the Delhi Waqf Rules 1997, which requires such positions to be open to all graduates aged at least 45. The age range of 60 to 65 effectively excluded eligible

candidates and narrowed the eligibility criteria to fit A-2's profile, who was 62 at the time. Rule 43(9) specifies that a CEO must retire at 58 years, extendable up to a maximum of 60 years; however, the advertisement stated that candidates could be aged 60 to 65 years. No interview was conducted for A-2's selection. Only two applications were received for the post. A-1 submitted the file regarding A-2's appointment to the then Chief Minister on 26.04.2016, citing a meeting on 14.03.2016, despite no record of such a meeting. Based on A-1's recommendations, A-2 was appointed as CEO by a notification dated 28.04.2016, and he officially took charge on 29.04.2016.

- 8.15.** The prosecution also claims that the services department of the GNCTD should have determined A-2's salary. Instead, a provisional salary of ₹ 75,000/- was decided by DWB in a resolution dated 25.05.2016, pending final approval by the GNCTD. Subsequently, A-2's appointment was revoked by the Lieutenant Governor of Delhi on 07.10.2016. The prosecution alleges that A-2 received ₹ 4,44,375/- in salary, including arrears from May to September 2016, earning this benefit solely through his position.
- 8.16.** The prosecution points to statements of witnesses LW11, LW12, and LW14. It is contended that these facts sufficiently show a criminal conspiracy between A-1 and A-2.
- 8.17.** Regarding the appointment of A-3 to A-11, LW11 stated that all interview call letters were provided by A-2, who instructed LW11 to sign and dispatch them. LW11 also said that no call letter was sent for A-3's interview, yet A-3 (Hamid Akhtar) was appointed as a consultant IT/OSD. There are no entries in the register regarding the call letters sent to A-4 for the LDC position; however, A-4 was still appointed. Similarly, no records

indicate that interview letters were sent to A-6 to A-11, yet they were appointed as MTS. (Multi-Tasking Staff).

- 8.18.** LW15 also stated that A-1 engaged 10-15 known persons in DWB, including A-3. For the recruitment of the consultant/IT/OSD position, 45 candidates applied, and their details were noted. However, on 18.05.2016, A-3 and Mehfooj Mohammad approached LW15 in the Computer Section, where LW15 was working, and LW15 was instructed to add A-3's name to the list based on A-2's instructions. Since Mehfooj Mohammad was in charge of the computer section and a member of the recruitment committee, he ordered LW15 to include A-3 as the 46th candidate. A-3's resume was not initially received between 24.04.2016 and 29.04.2016, but it arrived by email on 17.05.2016. Despite this, A-3 was appointed.
- 8.19.** LW15 also stated that A-3, on 27.05.2016, asked to add two persons—Muneera Akhtar (A-3's sister) and Tanveer Alam. Resumes of 146 candidates were received for the LDC exam from the advertisement dated 24.04.2016. However, A-3 requested the addition of two more candidates, making a total of 147 and 148. LW15, under pressure from A-3, typed their names, and these included A-4, A-6, A-7, A-8, A-9, A-10, and A-11, many of whom had not applied within the deadline or had not mentioned the position applied for. LW15 explained that several candidates were added due to influence from A-3 and others, despite procedural irregularities.
- 8.20.** LW15 explicitly states that he had informed A-2 about the directions to add/delete new candidates in the list of LDCs and MTS, as given by A-3 and others. Yet A-2 scolded LW15, and the amended list was prepared, which LW15 handed over to A-3.
- 8.21.** LW15 also stated that even the name of A-4 (Kifayatulla Khan) was added in the list later, which was not added by LW15, and A-3 had taken the proforma list/soft copy of the list in pen drive from LW15 and the name

of A-4 was added after the date of interview as his name was not added even on the date of interviews schedule. A-4 is a relative of A-1, and even A-4 was working in DWB before his appointment in the recruitment process in question. A-4 had sent his resume on 29.04.2016. However, in his application, he had not mentioned the name of the post applied for, and therefore, his application was not to be considered for interview. Similarly, the name of A-5 (Rafiusshan Khan) was not to be considered, despite his resume being received on 25.04.2016, as he had not mentioned the name of the post; yet, he was appointed as LDC.

8.22. LW15 clarified that under the pressure of A-3, he had typed the names of candidates at Sl. No. 150 to 157, who are A-6 (Imran Ali), A-7 (Mohd. Ahrar), A-8 (Aqib Jawed), A-9 (Azhar Khan), A-10 (Zakir Khan) & A-11 (Abdul Mannar). These six persons were appointed as MTS, whereas A-10 & A-11 did not submit their resumes between 24.04.2016 and 29.04.2016. Additionally, in the applications of the other accused, A-6 to A-9, the post applied for was not mentioned, and therefore their applications could not have been considered. Yet, all six of them were appointed.

8.23. Similarly, LW12, Mehfooj Mohammad, stated that A-2 personally oversaw the recruitment process and instructed the staff accordingly; the assisting members followed his instructions only. LW12 even stated that when he signed the note sheet of candidates qua the post of consultant/IT/OSD on 09.05.2016, only 45 applications were mentioned in the note sheet, and he was not aware as to how 46th application of A-3 came to be mentioned in it, whereas his application was not even received during the relevant time.

- 8.24.** LW22, Sakir Ali, recalled that A-2 and the CLO directed him to reject applications that failed to mention the post; yet, some of those applications were still considered, and some candidates were appointed.
- 8.25.** LW14 stated that A-1 appointed 41 persons, many of whom were already working in DWB as volunteers before their formal appointments.
- 8.26.** The prosecution further cites A-3's 164 Cr. P.C. statement that A-1's relatives applied for posts, some after deadlines, and were selected on non-merit criteria, including A-3's own appointment, which was also non-meritorious.
- 8.27.** The engagement was advertised for only 89 days on a contractual basis, but A-2 extended this duration for another 89 days. Furthermore, those not in contract-based employment were also engaged on a daily wage basis in DWB, as recommended by A-2, which A-1 ultimately approved.
- 8.28.** The prosecution claims that A-1 and A-2 conspired not only to secure A-2's appointment but also to appoint A-3 to A-11 in conspiracy, gaining pecuniary benefits. These appointments, made through manipulation and favouritism, including relatives, friends, and pre-existing employees, were illegal and void, leading to wrongful gains. The appointment of Mr. R.K. Yadav as Vigilance Officer, without proper advertisement or interview, is also criticised, with subsequent rejection by the Revenue Department. The misconduct by A-2, including the abuse of his CEO role and procedural violations, allegedly resulted in financial losses to the board.
- 8.29.** The prosecution claims these appointments were illicit, as some candidates did not apply within deadlines, or were relatives or known persons, and had been employed before their formal appointment, all orchestrated by A-1 and A-2 to manipulate the process. The prosecution argues that this was a sham, driven by A-1 and A-2, who allegedly pressured officials and altered candidate lists. Even when applications

from A-3 to A-11 were formally rejected, they were still appointed through favouritism, often after deadlines, due to their connections. These unlawful gains constitute misconduct under Section 13(1)(d) of the PC Act, 1988, and reflect conspiracy.

- 8.30.** Consequently, it is claimed that when those persons derived remuneration against their appointments, undue advantage was availed of by those accused, which is sufficient to meet the definition of criminal misconduct within the meaning of Section 13(1)(d) of the PC Act 1988, and also the facts as mentioned above indicate conspiracy.
- 8.31.** The prosecution refers to cases such as *Neera Yadav Vs. CBI* (2017) 8 SCC 757, *Swati Maliwal Vs. State Crl. Revision Petition No. 236/2023*, decided by the Hon'ble High Court on 20.09.2024, and *Narayanan Nambiar Vs. State of Kerala* 1963 Kerala Law Journal 668, affirming that wrongful acts benefiting third parties involve criminal liability. Similarly, the case of *State of Bihar & Ors. Vs. Devender Sharma Civil Appeal No. 7879 of 2019*, decided by the Hon'ble Supreme Court on 17.10.2019, confirms that illegal appointments lacking proper process are deemed corrupt, backdoor entries, and are invalid, making the appointees ineligible for benefits. These appointments cannot simply be classified as irregular but should be considered illegal within a wholly arbitrary process, rendering such appointees without any legal right to salary or other monetary benefits, as their appointments are illegal and void in the eyes of the law.
- 8.32.** Conspiracies are usually secret, and direct evidence is rare; they must be inferred from surrounding circumstances. In this case, A-2's active involvement, starting in March 2016, in designing an advertisement suited to his profile, combined with the limited publication outside mainstream languages and the tailored age criteria, strongly suggests that A-1 and A-2 had a mutual understanding before the advertisement was issued. These

details point to a conspiracy among A-1, A-2, and others to manipulate the recruitment process.

- 8.33.** Therefore, a prima facie case exists not only concerning A-2's appointment but also concerning those of the other accused. As this stage is only for establishing a strong suspicion, the Court will assess the veracity during the trial. The aforementioned facts reveal that A-1 & A-2 were in conspiracy to commit wrongdoing in securing A-2's appointment against the norms, which constitutes the aforementioned offences, including obtaining a pecuniary advantage for A-2. Also, after A-2's appointment, both A-1 & A-2, in conspiracy with other accused, illegally recruited A-3 to A-11 and obtained pecuniary advantage for them.
- 8.34.** There is a clear, strong suspicion justifying charges against A-1 and A-2 for orchestrating the wrongdoing to secure A-2's appointment, including obtaining pecuniary advantage.
- 8.35.** The argument by A-2 that there is no prior association between A-1 and A-2, as brought on record by the Prosecution, does not assist at this stage. Prima facie, the fact that he was working in DWB before his formal appointment, and that the criteria were tailored explicitly to A-2's eligibility, is enough to suggest a conspiracy. Likewise, his claim that no document signed by him before 28.04.2016 supports the CBI's assertion that A-2 was working before his appointment does not help his case now. The Prosecution witnesses have stated about A-2's earlier engagement. A-2's argument that other signatories of the notes and members of the recruitment committee have not been charge-sheeted is also unhelpful at this stage, since witnesses state that A-2 influenced the recruitment process. Furthermore, A-2's contention that he was not present at the meeting on 06.04.2016 and that advertisements were issued before his formal joining and that of the previous CEO, who has also not been

charge-sheeted, does not assist him here. Additionally, A-2's claim that earlier recruitments were carried out without a recruitment committee and that establishing a committee made the process transparent, which demonstrates his good faith, does not hold at this stage. There are strong prima facie reasons to consider that the recruitment processes for A-2 and other accused involved unfair means, nepotism and favouritism. Simply because the recruitment committee members declared they had no relation to the candidates does not favour the accused. A-2's argument that either all members of the recruitment committee are liable as accomplices, or none are, is not a valid reason to discharge him or others.

- 8.36.** Likewise, the claim that none of the appointees were found unqualified is irrelevant at this stage, as the issue is not their qualifications but the legality of their appointments obtained through corrupt means. The argument that prior sanction by the government was not required for post-creation or recruitment, but only consultation was required, must be rejected. Even if no sanction was needed, the process must be fair and honest. The assertion that 64 posts were sanctioned by an earlier board whose members have not been charge-sheeted does not strengthen the case, as the current trial focuses on corruption in the recruitment process for both existing and newly created posts during a specific period. The claim that the advertisement allowed applications through modes other than email is also unhelpful here, as no records of physical applications received within the deadline have been found. Regarding the CBI's claim that 182 applications out of 840 received via email were rejected because they did not specify the post, the argument that there is no record of such rejection is of no help, as the witness's statement indicating this fact has to be accepted for now. Regarding the accused's argument that previous boards recruited similarly and A-1 is being targeted for political reasons,

the CBI responds that the scope of the investigation in this FIR pertains only to A-1's tenure. This argument does not aid the accused at this stage. The mere absence of a challenge to the recruitment process does not imply that it is fair. Even if an eligible, qualified person is selected, if the process was tainted by corruption, that cannot be disregarded or considered inconsequential simply because others did not challenge it. Lastly, the fact that statements of different witnesses are not corroborated does not favour the accused now, as it would be a matter for trial.

9.

A-3 Hamid Akhtar

- 9.1.** Against A-3, the CBI's case is that for the post of Consultant, IT/OSD, an advertisement was published on 24.04.2016, with the deadline for applications set for 29.04.2016. A total of 45 applications were received. The interview was scheduled for 18.05.2016. There was no sanctioned post for Consultant IT/OSD in DWB. Mr. Hamid Akhtar's (A-3) resume was received after the application deadline and just one day before the scheduled interviews, yet he was allowed to appear and was appointed. He is a relative of A-1. His name was subsequently added to the list as the 46th candidate. The dispatch register indicates that no interview call letter was sent to A-3. Document file D-57 reveals manipulation. The first two pages of the note sheet are photocopies, while the remaining pages are original. A-3 received ₹1,43,710/- as remuneration for his illegal appointment. He had been working "unofficially" in DWB since Feb/March 2016. A-2, a member of the recruitment committee, facilitated A-3's engagement. A-1 issued an ID card to A-3 as early as April 2016, before A-3's formal appointment. A-3 made a statement under Section 164 Cr.P.C., admitting that he had joined DWB in March 2016 at the behest of A-1 and confessed to his own ineligibility as well as manipulation in the

recruitment of other candidates. According to the CBI, witnesses LW-11, LW-14, and LW-15 made statements against A-3 regarding the non-issuance of an interview letter, A-3's role in DWB operations, appointments to legitimise volunteers working with A-1, and the alteration of records to accommodate A-3 and others, including for the posts of LDC/MTS. The CBI argues that sufficient material exists against A-3, and the contentions raised in his discharge application should be rejected.

- 9.2.** In his separate discharge application, A-3 contends that no charges are made out against him, asserting the absence of any conspiracy between him and others regarding his appointment or those of other contractual staff. He argues that receipt of an application after the deadline, particularly for a contractual post where discretion exists, does not automatically render the appointment unlawful. A-3 claims that A-1 asked him to submit the application, which he then emailed, though he had already been working with DWB since February 2016 without pay.
- 9.3.** He further denies any role in the administration or screening of applications of others, asserting that a panel conducted the interview and there is no documentary evidence showing that he influenced anyone or manipulated any records. He argues that being appointed to the Waqf Vigilance Committee without advertisement or process cannot be held against him, as the Board formed the committee, and A-3 was only a junior consultant with no influence on its creation. His role was contractual, and approval from the Revenue Department was not required. He also argues that the absence of such approval for his or R.K. Yadav's appointment is irrelevant.
- 9.4.** A-3 states that he previously worked in the IT sector, participated in the India Against Corruption movement, later joined the Aam Aadmi Party, and eventually joined DWB, with the intention of serving underprivileged

communities. He claims that there is no evidence of collusion, no proof of illegal gain, and that his role was purely technical and operational, without involvement in advertisements, selection, or financial or policy-level decisions. He describes the CBI's charges as baseless, mechanical, and unsupported by documentary evidence.

- 9.5. A-3 relies upon the cases of *Navjot Sandhu (supra)*; *Prafulla Kumar Samal (supra)*; *P. Vijayan Vs. State of Kerala (2010) SCC 398*; and *State of Karnataka Vs. M. R. Hiremath (2019) SCC 734*. All those cases are also distinguishable on their facts. A-3 also relies upon the case of *Manimekhala (supra)*, which has already been distinguished above while addressing the arguments of A-2.
- 9.6. Additionally, A-3 cites the case of *DSSSB and Anr. Vs. Seema Kapoor (2021) 20 SCC 380* to stress that A-3 to A-11 are not public servants. This case is also distinguishable. In that matter, a Corporation-employed teacher claimed age relaxation on the basis of being a government servant but was denied, as teachers in Corporations are not government servants in any substantive or officiating capacity.
- 9.7. A-3 claims that he was appointed as OSD/IT consultant on a contractual basis based on merit and received ₹ 1,43,710/- from May to August 2016, which cannot be considered a valuable pecuniary advantage. He admits to a true judicial confession under Section 164 Cr.P.C., but asserts that he merely complied with A-1's directions regarding his employment, as he is a relative of A-1.
- 9.8. Conversely, the prosecution contends that A-3's employment resulted from corrupt practices, with A-3 also actively involved in recruitment of other employees, as suggested by material collected during investigation indicating his involvement and conspiracy. The prosecution asserts that no sanctioned post existed for the Consultant/OSD, yet A-3 was appointed.

He worked in DWB before the advertisement, submitted his application late, and was the sole selected candidate with the maximum marks. His resume dated 28.03.2016 was submitted only on 17.05.2016. The initial candidate list had 45 names; A-3 was added as the 46th without an interview call letter. A-1 & A-2 permitted A-3 to appear for the interview and got him selected. A-2 signed A-3's engagement letter on 25.05.2016 with A-1's approval. And in the meeting on that date, a monthly remuneration of ₹ 45,000/- was approved for A-3.

9.9. The recruitment file shows a note sheet N/1 dated 09.05.2016, where the number of applicants was altered from '45' to '46' after A-3's late application, which note was also signed and approved by A-2 on 10.05.2025. Since A-3's application was received in DWB on 17.05.2016, just one day before the scheduled interview, it is impossible that '46' applicants would have been mentioned in the note dated 09.05.2016 when only '45' applications were received by that date. Note sheet N/2 dated 18.05.2016 is a photocopy, with '45' changed to '46' at two places. Only 45 candidates were sent interview letters; A-3 was not.

9.10. LW-15, under section 161 Cr.P.C., stated that A-3 and Mehfooz Mohd. instructed him to prepare a list of 46 candidates, not 45, on the interview date. LW-15 also stated that subsequently A-3 pressured him to add candidates Munira Akhtar (A-3's sister) and Tanwir Alam to the LDC list after initial compilation. Discussions also occurred qua it, involving Mehfooz Mohd., A-2, and CLO. According to LW-15, it was A-3 who approached him on 27.05.2016 and requested that the names of these two candidates be added to the pre-prepared list. Initially, LW-15 refused, but when he informed Mehfooz Mohd., he was advised to speak to A-2. Afterwards, LW-15 spoke to CLO, who similarly advised him to discuss the matter with A-2. When LW-15 went to inform A-2, he found CLO

already sitting in A-2's chamber, and when A-2 was informed that A-3 was pressuring him to add certain names to the list, LW-15 was sent outside by A-2, while A-3 was called in. And instead of addressing the issue, A-2 reprimanded LW-15, claiming that he was providing misinformation to him.

- 9.11. LW-15 stated that 182 applications were rejected for not specifying the post, yet some accused were recruited despite these defects.
- 9.12. For the MTS post, 148 candidates were listed for interviews. LW-15 also stated that the name of an additional candidate was later added at serial number 149 to the marks table. This additional name was of A-4. However, inconsistencies show 149 and 157 candidates in different pages. LW-15 stated A-3 pressured him to include eight additional candidates (serial numbers 150 to 157), all of whom were already working at DWB before formal appointment. The witness also stated that the names of A-6, A-7, A-11, A-8, A-10, and A-9 appear in that order at serial numbers 150 to 157, except at serial numbers 154 and 157, where the names Iltafat Khan and Md. Haziq Sherwani is mentioned.
- 9.13. The prosecution also cites statements of LW-40, 41, 43, and 44, highlighting A-3's active role in manipulating recruitment.
- 9.14. In conclusion, prima facie, a strong suspicion exists against A-3 also, indicating collusion with A-1 and A-2 to secure his appointment and remuneration, as well as conspiracy with others to unlawfully appoint them, resulting in monetary benefits to the appointees.

10. A-4 Kifayatullah Khan, A-5 Rafiussan Khan, A-8 Aqib Jawed, A-10 Zahir Khan & A-11 Abdul Mannar

- 10.1. Against the above-named accused persons, the prosecution's case is that these five accused were also illegally appointed in conspiracy. They either

did not apply for the post during the relevant period or applied improperly without mentioning the post. They did not receive any interview call letters and are either related to or known to A-1.

- 10.2.** The CBI claims there is sufficient oral and documentary evidence to support the accusations that these applicants were employed in violation of rules and procedures, and that the selection process was manipulated. Since the FIR specifically targeted appointments made during A-1's tenure, earlier appointments were not subject to investigation, and no benefits can be claimed by the accused on that ground. Document D-82, Minutes of the Board meeting held on 06.04.2016, does not specify the post or adhere to the recruitment norms. No call letters were sent to these applicants, yet they were appointed. Others, like Abdul Aleem, were not made accused because they were not selected, and certain appointments, such as Mohd. Amir's case was justified, as he was appointed as a special case after being wrongly imprisoned for 14 years, with no evidence of conspiracy in his appointment. The CBI relies on statements of LW-10, 11, 14, 15, 18 & 19 to build its case against the applicants. It is also claimed that recruitment began before formal committee formation. The selection was made post facto to legitimise unauthorised engagements, even though overqualified candidates were rejected; A-4 and A-5 were still selected.
- 10.3.** For A-4, the case is that his application received via email lacked specific post details and was technically rejected, yet his name was later added to the LDC interview list. He did not attend the interview but was shown as selected as the last candidate. His resume was for an account assistant, not LDC. He is related to A-1 and was already working unofficially in DWB, suggesting the merit list was tampered with, as other candidates above him were declared overage.

- 10.4.** Similarly, A-5, also related to A-1, had his application technically rejected for lack of a specified post but was still selected as LDC and was already working in DWB before his official appointment. There is no record of an interview letter sent to him either.
- 10.5.** Regarding A-8, it is claimed he was working unofficially in DWB before selection, and was illegally appointed as MTS on a contractual basis without an interview call letter.
- 10.6.** For A-10, it is claimed his application was not received within the stipulated time via email, and no call letter was sent, yet he was appointed as MTS, known to A-1, and was working in DWB before his formal appointment.
- 10.7.** Similarly, A-11's application was also said to have not been received within the stipulated time through e-mail, and no call letter was sent to him, yet he was appointed as MTS. He is also known to A-1 and was working in DWB before his formal appointment.
- 10.8.** In the common discharge application preferred by these five accused, besides the common arguments already mentioned above, it is argued that the allegations of CBI as to the relation between A-1 and these accused are vague, with no degree of relation specified, no documentary proof provided as to the relation of A-4 & A-5 with A-1. Regarding the other accused persons, it is merely claimed that they were known to A-1, and A-1, being a public figure, would naturally be known to several individuals. Unless the connection is specified, no relationship or association can be alleged. It is claimed that for A-7 & A-8, no relationship or association is even alleged.
- 10.9.** It is also argued that beyond the disqualifications mentioned in the DWB Regulations 1963 and DWB Rules 1997, under regulation no. 42 & 47, no further disqualifications are applicable. Since the selection of these

candidates was not within the scope of those disqualifications, no illegality can be claimed in their appointments. These regulations do not prohibit appointments of relatives or acquaintances. It is further argued that Section 24 of the Waqf Act merely requires consultation with the Government, not prior sanction, that too only for manpower planning, not hiring. DWB generates its own revenue and is not dependent on government funds; therefore, the CBI's claim that a loss was caused to the Exchequer is unfounded. Even post facto approval of recruitment would be valid. Non-compliance with the Government Order (GO) dated 18.07.2011 only affects the release of grants, not criminal liability. The Court's attention is drawn to the statements of LW-23 & LW-24.

10.10. It is also claimed that the wages received by these employees were meagre, ranging from ₹ 17,700 to ₹ 18,800 per month. In contrast, the retired ACP R. K. Yadav, as well as programmers and others, received significantly higher salaries, but they are not being prosecuted. The CBI's allegations are claimed to be vague, extending beyond the FIR and lacking application of mind. It is also argued that the applicants were never found unfit in any manner, either medically or otherwise, they were not convicted or dismissed, thus their eligibility cannot be questioned. It is also argued that the qualifications or eligibility of the applicants were never challenged. Presuming the impugned recruitment exceeded the alleged sanctioned strength, the only repercussion would be that the Grant in Aid would not be utilised to cover the salaries of those staff until the government sanctioned the creation of new posts. The prosecution referred to the Government Order dated 18.07.2011, bearing No. F.12/3/2010-AC/dsfa/DSIII/914-921, to support its argument that clearance from the Finance Department is required before creating new posts. However, it is claimed that the Government Order is otherwise ultra vires Section 24 of

the Waqf Act, 1995, and the consequences of failing to comply with the guidelines in said order may only affect the future sanctioning of the Grant-in-Aid to the Grantee Institute. Failing to comply with the mentioned Government Order will not invoke any criminal repercussions, particularly not against the recruits.

10.11. It is claimed that the candidates cannot be expected to know whether a vacancy corresponds to a properly created post or falls within sanctioned posts; job creation is an internal matter for the employer. Candidates are not responsible for the employer's statutory obligations, such as publishing advertisements in specific newspapers, which would also not result in criminal responsibility for the accused if these obligations are not fulfilled. Even if such statutory requirements existed and were neglected, it would only affect the recruitment process, not criminal liability. Furthermore, A-6, 9, 10, and 11 were solely acquainted with A-1, whereas A-7 and A-8 have no familial ties to A-1, nor are they acquainted with A-1. Conversely, LW Ejaz Arshad Qasmi's statement indicates that Accused No. 8 was not related to A-1; in fact, A-8 was linked to said LW, who had disputes with A-1. The claim that Accused Nos. 4 and 5 are relatives of A-1 is vague and lacks evidence; the prosecution was required to clarify this relationship.

10.12. It is also claimed that A-11 did not submit his application via email. The advertisement stated that applications should be sent by email, but did not specify that hand submitted or postal applications would be rejected. The CV of A-11 was found in the DWB office along with applications from other candidates; thus, claiming he did not apply is incorrect. Accepting applications by hand should not lead to criminal prosecution. Eight candidates appeared for interviews without receiving call letters; the IO

reported only six: A-6, 7, 8, 9, 10, and 11. The IO did not prosecute the other two or provide an explanation.

10.13. **In reply**, the prosecution submits that there is ample evidence, oral and documentary on record, which reveals that these accused were part of a criminal conspiracy and were employed in DWB in violation of the rules & procedure by manipulating the selection procedure. The allegations in the FIR are specific to offences committed during the tenure of A-1 in 2016, and persons appointed before 2016 were not probed in this investigation. Only the persons who have been finally selected against the advertisement published in the newspaper on 24.04.2024, with improper applications, are charge-sheeted. The board passed a resolution to induct manpower without specifying the posts as published in the Urdu newspapers on 24.04.2016. A-1 & A-2 manipulated the entire recruitment process to appoint A-3 to A-11 and knowingly favoured them in their recruitment, who were either relatives of A-1 or persons known to him, by violating the norms of the recruitment process. It is submitted that in the instant matter, not only were the rules violated, but the unfair means were adopted in appointing/ engaging the relatives and known persons of accused A-1.

10.14. The candidates, i.e., A-3 to A-11, have been arraigned as accused persons because their applications were technically rejected. The resume of A-4 was for the post of Accounts Assistant, not for LDC, and he had not appeared in the interview for the LDC post; however, he was selected as the last candidate for the LDC post. Even the applications of accused persons A-3, A-10 & A-11 were not received within the stipulated time, but they were allowed to appear in interviews and were selected.

10.15. LW-37 Abdul Aleem Abbasi was not made an accused because he was not selected as an MTS on a contract basis. That Mohd. Amir was selected as

a special case. During the investigation, no evidence cropped up that he was part of a 'criminal conspiracy for his engagement in DWB as MTS, and hence, he was not made an accused in the matter. The nomenclature and vacancy positions for the post in DWB, as mentioned in the charge sheet at para 16.4.4, are based on D-77 and the statement of LW-10 (the then CEO of DWB) and LW-11 (Section Officer, DWB).

- 10.16.** LW-18, Mr. Ejaz Arshad Qasmi, the then Sunni Member of DWB, and LW-19, Mr. Chaudhary Sharif Ahmed, elected Member of DWB, have stated that initially, the manpower was engaged in DWB by the Chairman, A-1, without the formation of a Recruitment Committee. As this engagement did not follow the norms, the Board members objected to it. Thereafter, the Committee was formed as mentioned in the 3rd Board meeting held on 28.04.2016. Most people who were previously employed before the formation of the Recruitment Committee were hired through the recruitment process.
- 10.17.** LW-11 & LW-15 have given statements against the accused. Although the applications of A-10 & A-11 were not received within the stipulated time, they were allowed to appear for an interview and were finally selected. The file related to the appointment of the Accounts assistant revealed that the name of A-4 was at SI. No. 9, and he appeared for an interview but was not selected. Whereas the file related to the appointment of LDC revealed that the resume of A-4 was for the post of Accounts Assistant, not for LDC, and he had not appeared in the interview for the LDC post, but he was selected as the last candidate for the LDC post.
- 10.18.** Further, according to the interview marks, Mr. Tanwir Alam, Mr. Arshad Khan, and Ms. Munira Akhtar were mentioned at SI. Nos. 1 to 3 were not selected by giving remarks "Overage as per recruitment rules", whereas A-4 & A5, who were at SI. Nos. 4 & 5 of the Merit list were selected as

LDCs. The accused have been prosecuted because their complicity emerged during the investigation, and sufficient evidence came to light. Therefore, the accused have committed the offence punishable u/s 120 B of the IPC r/w Section 13 (2) r/w 13 (1) (d) of the PC Act, 1988 (unamended).

10.19. None of the arguments raised by the accused helps their case at this stage of the matter, as this court is not conducting a roving inquiry at this stage, where even a strong suspicion is enough to direct a trial. The above-mentioned facts against the accused strongly suggest that they were involved in a conspiracy with A-1 & A-2 to secure their employment and obtain pecuniary advantage in the form of salaries.

11. A-6 (Imran Ali) , A-7 (Mohd. Ahrar) & A-9 (Azhar Khan)

11.1. Regarding A-6 (Imran Ali), A-7 (Mohd. Ahrar), and A-9 (Azhar Khan), their counsel orally sought discharge on similar grounds as other accused, especially accused Nos. 4, 5, 8, 10, and 11.

11.2. For A-6, the prosecution claims his application was received by email but lacked specific post details, leading to its rejection, yet he was appointed as MTS and he knew A-1. For A-7 and A-9, similar claims are made about their applications, which were also received by email without the post details, yet they were appointed as MTS. A-9 knew A-1.

12. A-1 Amanatullah Khan

12.1. A-1 has also filed a separate discharge application, claiming that there is no material, even prima facie, reflecting acceptance of a bribe or pecuniary advantage. In the charge sheet and supplementary charge sheet, the CBI acknowledges that several allegations are merely administrative irregularities. No loss occurred to the exchequer, and there is no personal

wrongful gain to the applicant. There is no proof of dishonest intention or illicit gain. Regarding the appointment of A-2, there is no co-conspirator. Other than A-2, no one has been arraigned as an accused, so there cannot be any conspiracy by A-1 with himself.

12.2. This argument must be outrightly rejected because, regarding the appointment of A-2, the conspiracy alleged is between A-1 & A-2, and both are chargesheeted.

12.3. A-1 also claims that he was not part of the recruitment committee. Whatever decisions the committee or the board made, the applicant did not interfere in the hiring or salary-setting process. The engaged employees were not only eligible and well-qualified but also worked and were lawfully paid for their services. Relying on Section 100 of the Waqf Act, it is claimed that A-1's actions taken in good faith are immune from legal action, and Section 108A overrides conflicting laws. It is further stated that the lack of required staff compelled hiring on a contract or daily wage basis. A-1 served less than seven months; there is no recovery of bribe money; no proof of undue benefit to himself or others; revenue increased during A-1's tenure; the board's performance improved during his tenure, as reflected in the audited accounts; and A-2 was appointed by the board, not individually by A-1. The appointment of the CEO was merely an irregularity, as no dishonest intent led to his appointment and subsequent pecuniary advantage. Moreover, A-1 lacked the authority to appoint the CEO personally; the board appointed him, with the entire process overseen by board members. A-1 could neither recruit nor appoint the CEO at will; the board conducted the recruitment, and since no board members are named as accused, the grounds for conspiracy involving A-1 concerning the appointment of A-2 cannot be established. Hence, no case is made out against A-1, who should be discharged. As A-1 was not

part of the Recruitment Committee, he bears no responsibility for engaging 33 contractual employees. The matter of the committee's constitution was thoroughly discussed and resolved, leading to the formation of a committee comprising of: 1. Mr. Mahboob Alam, Chief Executive Officer, DWB; 2. Mr. Mohamed Qaeem, Chief Legal Officer, DWB; 3. Mr. Shakir Ali, Member, DWB; and 4. A special invitee. The candidates finalised by this committee received engagement letters. The personal files of all appointed employees, following the prescribed procedures, confirm that a proper and consistent process was followed in selecting these 41 employees, of whom only nine have been named as accused.

- 12.4.** According to statements of Ch. Shareef (PW-19), Aijaz Arshad Qasmi (PW-18), and Shakir Ali (PW-22), there is no criminality in DWB's functioning by A-1. A-1 relies on documents annexed by the prosecution alongside the charge sheet. Among these are warning letters issued to DWB employees, indicating no bias by A-1 or any other accused. These letters show that DWB's operations adhered to the standards, ruling out any favouritism or prejudice. The attendance register indicates that the employees appointed by the recruitment committee worked regularly, with their attendance documented daily, and their salaries were paid legitimately, not at the behest of A-1 or any other accused.
- 12.5.** A-1 additionally relies on the cases of *Union of India vs. Prafulla Kumar Samal and Anr.* (1979) 3 SCC 4; *A. Subair v. State of Kerala* (2009) 6 SCC 587; *C. Surendranath & Anr. vs. State of Kerala*, Crl. M.C. No. 1071/2022, and *C.K. Jaffer Sharief v. State* (2013) 1 SCC 205.
- 12.6.** **In reply, CBI claims** that there is strong suspicion and adequate proof against A-1 also, which is reflected by the facts as discussed above. CBI relies on the statements of LW-11, 12, 14, 18 & 19, as well as the

admission of A-3 and documentary proof, to claim the existence of a prima facie case against A-1 as well. According to LW-18, Mr. Ejaz Arshad Qasmi, the then Sunni Member of the Delhi Waqf Board, and LW-19, Mr. Chaudhary Sharif Ahmed, an elected Member of the Delhi Waqf Board, initially, personnel were engaged by A-1 in the DWB without the establishment of a Recruitment Committee. This engagement did not comply with norms, causing objections from the Committee. Subsequently, the Committee was formed during the third Board meeting held on 28.04.2016. Most individuals previously engaged before the formation of the Recruitment Committee were appointed through the sham recruitment process. LW-12, Sh. Mehfooz Mohammad stated that the advertisement's content was prepared by Nazia Siddiqui in his presence at the request of Chairman A-1 and finalised by A-2, who sent it for publication.

- 12.7.** Additionally, LW-23, Accounts Officer, GNCTD, affirmed that under administrative norms, no institution can employ manpower beyond its sanctioned strength; hiring can only occur against sanctioned vacancies. Should there be a need for more personnel, the institution must first increase its sanctioned posts. For Grantee Institutions, if additional manpower is required, funds for wages/remuneration must come from sources other than Grant-in-Aid, and approval from the Administrative Department is necessary before hiring contract/daily wage staff.
- 13.** Having heard both sides, and upon examining the factual aspects and allegations against the accused persons, it cannot be stated that the appointments of individuals A-2 to A-11 either complied with the law or were only irregular without being illegal. The allegations raise significant prima facie suspicions of conspiracy among the accused. Once these appointments are found to be unlawful and strongly suggest that they were

made as part of a conspiracy, they cannot simply be classified as minor irregularities or breaches of service law. They represent more than mere procedural errors or administrative lapses.

- 13.1.** The fact that similar appointments were previously made in the DWB does not justify discharging any of the accused. An illegal action, even if repeatedly practiced in the past, cannot legitimise ongoing adherence to the same faulty procedure.
- 13.2.** Even if the record of the sanctioned strength or sanctioned posts in DWB was secured before A-1's tenure, it does not justify recruitment through corrupt means.
- 13.3.** Additionally, the argument presented by the accused that the CBI did not charge others cannot serve as a valid reason for their discharge. The CBI has attempted to justify other appointments, and the acceptability of those justifications does not need to be considered at this stage. Therefore, the absence of charges against other individuals does not imply that the present accused should also be discharged. The alleged preferential treatment by the CBI cannot assist the accused, at least at this stage.
- 13.4.** The argument that the appointed accused individuals were profoundly eligible and well-qualified for their respective positions does not justify illegal appointments. The central issue here is that these appointments were allegedly made through corrupt practices, making the question of the accused's qualifications and eligibility insignificant.
- 13.5.** It is also not pertinent to determine at this stage whether hiring the tainted candidates was necessary or unnecessary for DWB, or whether they worked regularly and adequately.
- 13.6.** Similarly, whether the tainted candidates were hired on a temporary or daily wage basis is inconsequential. Even such contractual appointments made through criminal misconduct fall under Section 13(1)(d).

- 13.7.** Even if an increased workload necessitated hiring more personnel, it should have been done fairly and transparently, not through corrupt means.
- 13.8.** Even if they worked after their appointment and received salaries, this still constitutes a ‘pecuniary advantage’. Even if the accused did not receive extra pay beyond their entitlements or the time they served, it cannot be argued that no undue pecuniary advantage was gained. If a position is secured through the misuse of an official position by a public servant, the salary drawn by the improperly selected candidate falls under the definition of undue pecuniary advantage. It does not matter whether that salary came from the State Exchequer or DWB’s funds; the source is irrelevant.
- 13.9.** Despite these appointments being supported by recommendations from the Recruitment Committee, A-1 and A-2 cannot be discharged from the case since strong prima facie evidence exists indicating that they manipulated the appointment process and influenced Committee members. The ignorance of LW-22 regarding the relationship of A-3 to A-11 with A-1 is inconsequential at this stage.
- 13.10.** It cannot be argued that the nepotism involved should absolve those responsible merely because the members of the Recruitment Committee are not charged.
- 13.11.** Further, the claim that LW-22 instructed the cancellation of applications for candidates who did not specify the post for which they applied, after interviews were scheduled, does not assist the accused. This is because A-3 to A-11 were allowed to appear in the interview, while 182 similarly placed candidates were excluded for the same reason. This indicates that while most candidates were not permitted to participate in the interview because they did not specify the post, A-3 to A-11 were allowed to appear and were ultimately selected.

- 13.12.** Regardless of whether the government sanctioned the recruitment rules, the process could not have been carried out with the expectation of pecuniary advantage.
- 13.13.** The fact that some accused were allowed to apply after the cut-off date, alterations were made to the list of interviewees, interview letters were not sent to certain candidates, and changes were made to the eligibility criteria, all indicate a dishonest intention aimed at recruiting known individuals or relatives of A-1.
- 13.14.** The facts and circumstances described above fulfil the necessary elements of the offence of criminal conspiracy against all 11 accused, as well as the offence of criminal misconduct against A-1 and A-2.
- 14.** Promoting the interest of near & dear ones, nepotism, as revealed from the facts of this case, is also a form of corruption.
- 14.1.** In the case of *Neera Yadav Vs. CBI* (2017) 8 SCC 757, in para 54, Hon'ble Supreme Court observed that nepotism is a greater evil since it involves dispersal of favours by patrons amongst their arm coterie, depriving others of a carrier or office they deserve more and that the practice of promoting the interest of few individuals to the detriment of many others is wholly reprehensible.
- 14.2.** The argument of accused persons that ingredients of Sec. 13(1)(d) of the POC Act are not fulfilled in the facts of the present case, as the element of dishonest intention is lacking, is also without force. We are concerned with Section 13 as it stood before its amendment, which came into force on 26.07.2018. Section 13(1) as it stood at that time, so far as relevant in this case, reads thus:

“13. Criminal misconduct by a public servant.—(1) A public servant is said to commit the offence of criminal misconduct—

(d) if he— by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or

(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.”

- 14.3.** To attract the provisions of Section 13(1)(d) of the PC Act, a public servant should obtain for himself or any other person any valuable thing or pecuniary advantage either by corrupt or illegal means or by abusing his position as a public servant or, while holding such office without any public interest any such advantage is obtained.
- 14.4.** All three sub clauses of Clause (d) of Sub-Section (1) of Sec 13 of the POC Act are independent, and if the elements of any of the three sub clauses are met, the same would be sufficient to constitute an offence of ‘criminal misconduct’. The three sub clauses of clause (d) are in the alternative and disjunctive.
- 14.5.** Thus, even where any pecuniary advantage is obtained for someone else by a public servant, by abusing his position, it would amount to criminal misconduct.
- 14.6.** The discussion as above, prima facie strongly indicates that most of the appointments were given to the near & dear ones of A-1. Thus, it cannot be claimed by A-1 that he did not abuse his position to obtain pecuniary advantages for other persons, i.e., the persons so appointed, or that prima facie there was no dishonest intention. So cannot A-2.
- 14.7.** A public servant causing wrongful loss to the government or a Board like DWB, by benefitting a third party, would squarely fall within the definition of Sec. 13(1)(d). The words “by abusing his position as a public

servant” are very comprehensive to cover an act done otherwise than by corrupt or illegal means by a public servant abusing his position. Abusing means misuse, i.e., using the position by the public servant for something for which it is not intended.

14.8. Here, specific observations made by the Hon'ble Supreme Court in the case of ***Chittaranjan Shetty v. State, (2015) 15 SCC 569*** would be worth quoting:

“21. This Court, in M. Narayanan Nambiar v. State of Kerala [M. Narayanan Nambiar v. State of Kerala, AIR 1963 SC 1116 : (1963) 2 Cri LJ 186 : 1963 Supp (2) SCR 724] gave a broad interpretation to Section 5(1)(d) of the Prevention of Corruption Act, 1947, which is in pari materia with Section 13(1)(d) of the Act and held: (AIR pp. 1118-19, para 10)

“10. ... First taking the phraseology used in the clause, the case of a public servant causing wrongful loss to the Government by benefiting a third party squarely falls within it. Let us look at the clause ‘by otherwise abusing the position of a public servant’, for the argument mainly turns upon the said clause. The phraseology is very comprehensive. It covers acts done ‘otherwise’ than by corrupt or illegal means by an officer abusing his position. The gist of the offence under this clause is, that a public officer abusing his position as a public servant obtains for himself or for any other person any valuable thing or pecuniary advantage. ‘Abuse’ means misuse i.e. using his position for something for which it is not intended. That abuse may be by corrupt or illegal means or otherwise than those means. The word ‘otherwise’ has wide connotation. ... The juxtaposition of the word or ‘otherwise’ with the words ‘corrupt or illegal means’, and the dishonesty implicit in the word ‘abuse’ indicate the necessity for a dishonest intention on his part to bring him within the meaning of the clause. Whether he abused his position or not depends upon the facts of each case; nor can the word ‘obtains’ be sought in aid to limit the express words of the section. ‘Obtain’ means acquire or get. If a corrupt officer by the said means obtains a valuable thing or a pecuniary advantage, he can certainly be said to obtain the said thing or a pecuniary advantage; ... On a plain reading of the express words used in the clause, we have no doubt that every benefit obtained by a public servant for himself or for any other person by abusing his position as a public servant falls within the mischief of the said clause.”

14.9. Similarly, in the case of ***Neera Yadav (Supra)***, it is held as follows

“17. A perusal of the above provision makes it clear that if the elements of any of the three sub-clauses are met, the same would be sufficient to constitute an offence of “criminal misconduct” under Section 13(1)(d).

Undoubtedly, all three wings of clause (d) of Section 13(1) are independent, alternative and disjunctive. Thus, under Section 13(1)(d)(i), obtaining any valuable thing or pecuniary advantage by corrupt or illegal means by a public servant in itself would amount to criminal misconduct. On the same reasoning “obtaining a valuable thing or pecuniary advantage” by abusing his official position as a public servant, either for himself or for any other person would amount to criminal misconduct.

54. A particular kind of corruption that has become more rampant of late is nepotism, to promote the interests of those near and dear to them. Nepotism is in a sense a greater evil since it involves dispersal of favours by patrons amongst their arm coterie, depriving others of a career or office they deserve more. The practice of promoting the interest of few individuals to the detriment of many others is wholly reprehensible and deserves to be condemned.”

15. In the case of *Swati Maliwal (supra)*, the Hon’ble Delhi High Court dismissed a similar argument that gaining financial benefits, such as salaries for others, cannot trigger Section 13(1)(d) of the PC Act. The Court, in paragraphs 91 to 93, noted that Section 13(1)(d) clearly states that a public servant does not need to obtain something valuable or a financial advantage solely for themselves through abusing their position. A public servant can be convicted under this section even if they enable a valuable benefit or financial advantage for another person who may not be a public servant. The Court also reasoned that if a public servant causes wrongful loss to the government while benefiting a third party, such as favouring someone they know or providing undue benefits to individuals linked to a particular group or political party, it directly falls within the scope of the provision. The argument made by the accused in that case regarding the lack of a financial advantage related to the appointments made was rejected.

- 15.1. In that case also the accused argued the absence of 'dishonest intention' when appointing known individuals to various positions in the Delhi Commission for Women (DCW), but this argument was rejected.
- 15.2. Also, the case of *C.K. Jaffer Sharif (supra)*, which the accused relied upon, was distinguished by the Hon'ble Delhi High Court in the *Swati Maliwal* case.
- 15.3. The accused in this case tried to distinguish their situation from *Swati Maliwal*. However, the legal interpretation regarding the applicability of Section 13(1)(d) remains relevant, even if the facts of their case are slightly different.
- 15.4. In *Swati Maliwal's case*, appointments were made without following proper procedures, which initially suggested nepotism. The claim that DCW was an autonomous body was also rejected. Additionally, the argument that violations of rules and the failure to follow proper procedures would, at most, make the accused liable for departmental action, relying on the case of *Dhananjai Kumar Pandey (supra)*, was rejected. The Hon'ble High Court upheld the framing of charges in the *Swati Maliwal* case, referencing *Neera Yadav (supra)*, and concluded that appointments made without proper process and assessment, against non-existent posts, and involving payments (pecuniary advantage) meet the criteria of Section 13(1)(d). It was held that this concern is particularly grave when nepotism occurs in an organisation intended to serve the public, as it undermines the administrative system, erodes public trust, and denies qualified candidates fair opportunities for appointments.
16. In the present case, the accused also argues that there is no proof of a criminal conspiracy among them, and therefore, a charge under Section 120B of the IPC cannot be sustained.

- 16.1.** To prove a conspiracy, there must be evidence, either direct or circumstantial, demonstrating an agreement between two or more persons to commit a crime. This agreement requires a mutual understanding that leads to a collective decision by the conspirators to commit the offence.
- 16.2.** Section 120A of the IPC defines criminal conspiracy as an agreement between two or more persons to commit an illegal act or to perform a legal act through illegal means. The primary requirement is simply the existence of an agreement among the parties involved. The purpose of the agreement may be to engage in illegal activities or to carry out legal actions unlawfully. It is essential to note that the mere existence of an agreement to commit an offence is sufficient to establish the crime of conspiracy; actually committing the criminal act is not required. Section 120B of the IPC details the punishments for conspiracy and classifies them based on the goal of the conspiracy.
- 16.3.** In the present case, the accused individuals demonstrated a mutual understanding regarding the illegal appointments of A-2 to A-11, for which the public servants would be liable for criminal misconduct, an offence evident from their conduct as discussed above. This strongly suggests that a criminal conspiracy existed prima facie.
- 16.4.** For conspiracy, the circumstances of a case, when taken together at face value, should indicate a meeting of minds among the conspirators for the intended purpose of committing an illegal act or an act that is not illegal by illegal means. The essence of the offence of conspiracy is the fact of agreement. The agreement may be express or implied, or partially express and partially implied. A conspiracy arises, and the offence is committed, as soon as the agreement is made; and the offence continues as long as the

combination persists, that is, until the conspiratorial agreement is terminated by its completion, abandonment, frustration, or other means. The actus reus in conspiracy is the agreement to commit the illegal conduct, not its execution.

- 16.5.** It is not necessary for each conspirator to communicate with every other. It is not necessary for each conspirator to know all details of the scheme nor to participate in every stage. What is necessary is that they agree upon the design or object of the conspiracy. It is well established in law that a person can be charged with conspiracy even if he is not aware of all the details of the conspiracy or the agreements made by others involved. A person can be part of a conspiracy even if he knows only a portion of it, as long as the other essential elements are met. As mentioned earlier, the key element of criminal conspiracy is the agreement to commit a crime. If the agreement aims to carry out an act that is itself a crime, then the prosecution does not need to prove any overt act because, in such cases, conspiracy can be established by demonstrating the agreement alone. When the alleged conspiracy involves committing a serious crime as outlined in Section 120-B, read with the proviso to sub-section (2) of Section 120-A, proving only the agreement between the accused to commit that crime is enough; proof of any overt act by the accused or any of them is not required. These provisions do not require every participant in the conspiracy to perform an overt act toward its goal.
- 16.6.** Therefore, A-3 to A-11 cannot individually claim ignorance of any understanding between A-1 and others.
- 16.7.** The existence of dishonest intent must be inferred from the facts and circumstances of a case, as it is a mental element that does not generally have physical evidence.

- 16.8.** In this case, the facts presented strongly indicate that A-1 to A-11 were actively involved in the conspiracy to first appoint A-2 and subsequently A-3 to A-11.
- 16.9.** Regarding accused A-1, A-2, and A-3, their respective roles, as outlined earlier, clearly indicate their involvement in a conspiracy to appoint A-2 and A-3. Their actions in manipulating the interview process demonstrate a conspiracy with individuals A-4 to A-11 to secure appointments unlawfully. The fact that A-4 to A-11 obtained appointments despite many of them not submitting applications within the stipulated timeframe, failing to specify the post they applied for, receiving interview calls without formal notifications, or already working in the Delhi Waqf Board (DWB) before their questionable appointments, along with their acquaintance and relationships to A-1, suggests a collusion between them and A-1, A-2, & A-3 for these illegal appointments.
- 16.10.** Where there is strong suspicion, it is sufficient at this stage to indicate a conspiracy involving all these parties. The actions and omissions of these accused clearly show that they had a mutual understanding, either express or implied, to facilitate the illegal appointments of A-2 to A-11. This warrants the framing of conspiracy charges against all involved.
- 17.** Moreover, with A-1 being a public servant and A-2 becoming a public servant upon his appointment on April 29, 2016, and engaging in the illegal recruitment of A-3 to A-11, their case falls under the definition of Section 13(1)(d) r/w 13(2) of the PC Act.
- 17.1.** Section 101 of the Waqf Act 1995 explicitly states that besides Board Members, any individual duly appointed to perform duties under this Act or any rules or orders made thereunder shall be regarded as a public servant within the meaning of Section 21 of the Indian Penal Code.

- 18.** Accordingly, a strong suspicion does arise against all the 11 accused persons, and the facts do disclose prima facie sufficient material to frame charges against all of them, for the **following offences.**
- 18.1.** **Against A-1**, for offence U/s 120B of IPC r/w Sec. 13(1)(d)/13(2) of POC Act, as well as for the substantive offence U/s 13(2) r/w Sec. 13(1)(2) of POC Act r/w section 120B of IPC, for being in conspiracy with A-2 as well as A-3 to A-11 and for initially appointing A-2 and thereafter getting the appointments of A-3 to A-11 in DWB.
- 18.2.** **Against A-2**, for offence U/s 120B of IPC r/w Sec. 13(1)(d)/13(2) of POC Act, as well as for the substantive offence U/s 13(2) r/w Sec. 13(1)(2) of POC Act r/w section 120B of IPC, for being in conspiracy with A-1 qua his own appointment and additionally qua the appointments of A-3 to A-11.
- 18.3.** **Against A-3 to A-11**, for offence U/s 120B of IPC r/w Sec. 13(1)(d)/13(2) of POC Act.
- 18.4.** Consequently, the three discharge applications preferred by the above-mentioned eight accused persons are **dismissed. Charges be framed accordingly against all the accused.**

*Announced in open court
On the 28th day of July 2025.*

**DIG VINAY SINGH
SPECIAL JUDGE (PC ACT),
CBI-09 (MPs/MLAs CASES),
RADCLIFFE, NEW DELHI/ 28.07.2025**