

Ct. Case No. 31/2022
CNR No. DLCT11-000747-2022
ECIR/HIU-II/14/2022
U/S 3 & 4 of the PMLA
Directorate of Enforcement/Enforcement Directorate (DoE/ED)
Vs. Sameer Mahandru & Ors.

04.01.2024

At 2 pm

Present: Sh. Zoheb Hossain, Ld. Special Counsel and Sh. N. K. Matta, Ld. SPP for ED through VC.
Sh. Sandeep Sharma, IO/Asst. Director of ED through VC.

Sh. Rajat Bhardwaj and Sh. Kaustubh Khanna, Ld. Counsels for the applicant/A-30 Sanjay Singh.

In terms of letter/circular No.1/RG/DHC/2023 dated 05.06.2023 issued by the Hon'ble High Court, Sh. Zoheb Hossain, Ld. Special Counsel and Sh. N. K. Matta, Ld. SPP for ED as well as Sh. Sandeep Sharma, IO of ED have been permitted to join the proceedings through VC on oral requests.

File/matter has been taken up today as two separate applications have been moved on behalf of accused Sanjay Singh (A-30) in the pre-lunch session.

These applications have been moved seeking permission of this court for obtaining signatures of the accused on some documents and also his physical production before this court for the said purpose on 06.01.2024 at 2 pm.

Since an urgency was shown in the matter by Ld. Counsel representing the applicant, hence, notice of these applications was issued to Ld. Special Counsel for ED for 2 pm

today itself.

The first application is for permission of this court to take signatures of the accused on an 'Undertaking' which is stated to be required in connection with getting a 'No Dues Certificate' for the applicant from Rajya Sabha. It is being submitted that the present term of applicant as a Member of Rajya Sabha is expiring on 27.01.2024 and Returning Officer has already issued a notice dated 02.01.2024 for conduction of election of Members to the Council of States by the elected members of Delhi Legislative Assembly and nominations for the same are to be submitted not later than 09.01.2024. Hence, it is requested through this application that the above 'Undertaking' to be executed by the applicant on a given format may be permitted to be signed by him from the judicial custody. Copy of the format of 'Undertaking' is found enclosed with the application.

Ld. Special Counsel and Ld. SPP for ED have fairly given their no objection for execution of the said 'Undertaking' by applicant and hence, this application is allowed and Jail Superintendent concerned is being directed to permit signatures of the accused being taken on the above said 'Undertaking' whenever the same is presented for obtaining signatures of the accused by either of his family members or by his Counsel during meetings with the accused in jail.

Now, coming to the other application, the request made in this application is for seeking directions to the Jail Superintendent concerned to permit signatures of the accused being taken on a 'Nomination Form' for Rajya Sabha and its supporting documents to be submitted before the Returning Officer of Rajya

Sabha in connection with the above election. It is being submitted that the 'Nomination Form' and other supporting documents will be issued after submission of the above 'No Dues Certificate' and since the same have to be submitted before the Returning Officer by 09.01.2024, the accused be directed to be produced before this court on 06.01.2024 to enable him to sign the said documents.

Though Ld. Special Counsel and Ld. SPP for ED have even not opposed the prayers contained in this application, but in considered opinion of this court, there is no necessity of physical production of the accused before this court for signing or execution of the above 'Nomination Form' and other supporting documents and same can also be executed or signed by him from judicial custody and while being confined in Tihar Jail.

Hence, this application moved by the accused is also being allowed and disposed off with directions to the Jail Superintendent concerned that in addition to the above 'Undertaking', he will permit signatures of the accused to be taken on 'Nomination Form' and other supporting documents to be submitted by him in connection with the said election as and when the same are presented by his family members or Counsels in meeting with accused in jail.

It is being submitted by Ld. Counsel that the above 'Nomination Form' and other supporting documents may be required to be got signed from accused on 06.01.2024 i.e. the coming Saturday and legal *mulakats* (meetings) are not permitted on Saturdays as per provisions of the Jail Manual. Hence, it is being also directed that if the above documents are presented by Ld. Counsel for accused before Jail Authorities on 06.01.2024, the

Jail Superintendent shall ensure that the signatures of the accused are permitted to be taken on said documents and he is also permitted to meet his Counsel for half an hour to discuss the modalities in connection with filing of the said nomination.

It is necessary to state that the signatures of accused on all the above documents will be attested by some competent official of the jail.

A copy of this order be sent to the Jail Superintendent concerned for his information, compliance and record, along with format of undertaking. An e-copy of this order be sent to Ld. Special Counsel/SPP/IO of ED through Whatsapp/e-mail and a copy of this order be also given dasti to Ld. Counsel for the accused.

Put up the matter now on **05.01.2024** as applications moved on behalf of A-1 Sameer Mahandru and P. Sarath Chandra Reddy are listed for for consideration/orders on the said date.

(M. K. NAGPAL)
Special Judge (PC Act),
CBI-09 (MPs/MLAs Cases),
RADC, New Delhi :04.01.2024