

CNR No : DLCT11-000927-2019
CC No : 01/2015
ECIR : DLZO/15/2014/AD(VM)
U/S : 3 and 4 of PMLA Act
Directorate of Enforcement Vs. Gautam Khaitan & Ors.

04.02.2021

The proceedings were to be conducted through video conferencing (CISCO WEBEX) as per Order No. 35/RG/DHC/2021, dated 14.01.2021 of Hon'ble High Court of Delhi and Circular No. Power Gaz./RADC/2021/799-886-D/35-B, dated 16.01.2021. However, the matter is taken in the court and physical hearing is conducted considering the voluminous record of the present case.

Present : Sh. N.K.Matta and Sh. Mohd. Faraz, Ld. SPPs for Enforcement Directorate.
Sh. Yogeshwar Sharma, DD, Sh. Karun Bansal, AD and Sh. Arun Kumar, AD for Enforcement Directorate.
Accused Anoop Gupta produced from police custody.
Sh. Vikas Pahwa, Ld. Sr. Advocate with Sh. Shadman Ahmed Siddiqui and Sh. Abdul Majid, Ld. Counsels for applicant/accused Anoop Gupta.

Ld. Counsel for accused submits that he may be allowed to meet accused for 5 minutes in court.

Heard. Ld. Counsel for accused is allowed to meet the

accused for 5 minutes in court itself.

ED has filed an application seeking further nine days police custody remand of accused Anoop Gupta.

Ld. Counsel for the ED seeks further police custody remand of accused for nine days on the ground that further police custody remand is required to quantify the proceeds of crime pertaining to the transactions between Group Companies of M/s KRBL Limited. It is further submitted that there are voluminous documents/evidence on record which are required to be confronted to the accused. Ld. Counsel for ED submits that accused is also required to be confronted with number of persons. It is submitted that ED has summoned 32 persons who were to be confronted with accused, however, some of them cited medical reasons and did not appear before the ED and therefore could not be confronted. It is only four persons who could be confronted with accused and rest of the persons are yet to be confronted to the accused in order to find the money trail and role of the different accused persons. It is further submitted that certain facts have been denied by the accused and the ED is having bank statement and other documents which are contradicting the statement of accused and these documents and entries are required to be confronted.

On the other hand Ld. Sr. Counsel for accused Anoop Gupta objects to the submissions made by Ld. Counsel for ED. It is submitted that accused has been arrested without any justified reason. It is further submitted that the application filed by ED does not disclose any ground for further police custody remand of accused. Ld. Sr. Counsel for accused submits that the alleged non-cooperation or giving evasive answers to the questions put by ED, cannot be the ground for giving further PC remand of accused. Ld. Sr. Counsel submits that for giving further PC remand, stronger reasons need to be there. Ld. Sr. Counsel also submits that accused has already provided documents as demanded by ED, in the year 2019 itself and has fully cooperated with the ED and the ED is seeking further police custody remand of accused just to harass the accused who is suffering from number of ailments.

I have gone through the material on record.

The Enforcement Directorate is seeking further police custody remand of accused Anoop Gupta for 9 days on the ground that he is required to be confronted with number of persons including his employees and other Directors of the Company M/s KRBL Limited and to confront various documents including bank entries etc to unearth the money trail and the complete role of accused persons.

Keeping in view the facts and circumstances, submissions made by the parties, the PC remand of accused is further extended till 10.02.2021. Accused Anoop Gupta is remanded to PC till 10.02.2021.

Ld. Counsel for accused moved an application for providing spectacles, medicines and home cooked food to applicant/accused Anoop Gupta. Ld. Counsel for accused submits that applicant/accused is suffering from number of ailments and doctor has advised him gluten free food. Ld. Counsel for accused submits accused is 61 years of age and needs extra bedding for sleep.

Ld. SPP for ED submits that ED has no objection if the applicant/accused is allowed to have home cooked vegetarian food once in a day. Ld. Counsel for the ED submits that they will be providing necessary medical care to the applicant/accused and shall also be permitting him necessary medicines and spectacles.

The ED shall get the accused medically examined daily and will provide best possible medical assistance considering the medical condition of accused. The accused shall be allowed to have necessary medicines. The ED may permit the accused to have home cooked food once a day.

Ld. Counsel for accused has also filed an application submitting that he be allowed for legal interview during interrogation.

The accused shall be entitled to get legal assistance from his Advocate during interrogation. The ED will permit Ld. Counsel for accused Sh. Shadman Ahmed Siddiqui to assist the accused from 5.00 pm to 5.45 pm on each day.

Copy of this order be given dasti to Ld. Counsel for accused as well as to Ld. Counsel for ED.

(Arvind Kumar)
Special Judge, CBI-10
Rouse Avenue Courts
New Delhi/04.02.2021