



IN THE COURT OF SHRI J.P.S. MALIK, CBI COURT, TIS HAZARI,
DELHI

In the Matter of:

CBI VS Ashok Kumar Aggarwal

FIR NO. S18/E0001/1999 dated 29.01.1999

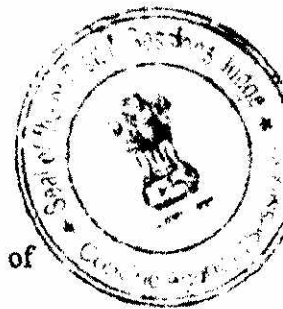
**APPLICATION ON BEHALF OF THE APPLICANT / ACCUSED
PERSON i.e. SH. ABHISHEK VERMA FOR WITHDRAWAL OF HIS
APPLICATION DATED 18.07.2000 FOR BECOMING AN APPROVER
AND ALSO TO RETRACT HIS STATEMENT MADE U/S 164 OF THE
CR.P.C.**

Most Respectfully Showeth:

1. That the present case is pending before this Hon'ble Court at the stage of deciding the approver status of the applicant as per the order of the Hon'ble Supreme Court of India.
2. That the applicant had moved an application on 18.07.2000 for becoming an approver in the above case and after hearing the CBI and the applicant, this Hon'ble court vide order dated 07.09.2001 had made the applicant an approver in the case and granted him pardon.
3. That the above order dated 07.09.2001 was set aside by Hon'ble High Court of Delhi vide order dated 20.08.2007 on being challenged by co-accused Ashok Kumar Aggarwal with a direction to this Court to rehear the application of the applicant in light of the entire material brought by CBI and also in view of the criminal cases pending against the applicant and the charge sheet filed by the CBI before this Hon'ble Court.
4. That the order dated 20.08.2007 passed by Hon'ble High Court of Delhi was challenged by CBI itself before the Hon'ble Supreme Court of India

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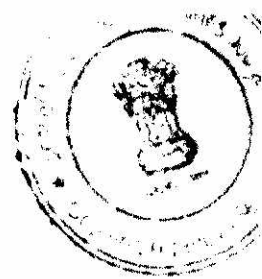
by filing SLP (Crl.) No. 7266/2007 @ Criminal Appeal No. 1837 of 2007 stating therein that the CBI wants to continue with the Approver status of the Applicant. It is submitted that the SLP filed by the CBI was dismissed by the Hon'ble Supreme Court of India vide its judgment dated 22.11.2013, where the order of Hon'ble High Court of Delhi was upheld and directions were given to the Ld. Special Court to reconsider the Approver status of the Applicant.

5. That after the said judgment was passed by the Hon'ble Supreme Court of India this present Hon'ble Court was directed to hear and reconsider the application of the applicant.

BRIEF HISTORY LEADING TO FILING OF THE PRESENT APPLICATION.

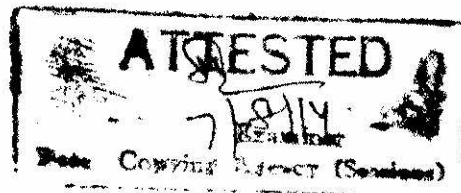
6. It is submitted that at the initiation of the present case the Applicant was made an approver only under the pressure of the CBI against the co-accused i.e Sh. Ashok Aggarwal. The applicant at that stage was not having any other alternative but to succumb to the illegal pressure of the CBI to become an approver against the co-accused i.e. Sh. Ashok Aggarwal.
7. That today the applicant respectfully submits before this Hon'ble Court that he does want to continue pursuing becoming an approver in the present case and therefore, the applicant is moving the present application to withdraw his application dated 18.07.2000 for becoming an approver and the same be treated as withdrawn with immediate effect.





8. That it is pertinent to mention here that the applicant has been made a victim of the conspiracy hatched by some CBI officers who had manipulated the applicant as a convenient tool to settle their personal scores with the co-accused. It is very important to mention here that the applicant was forced and pressurized to make a false statement implicating himself and the co-accused in the present false case of forgery under the threat of elimination of the applicant and his family. The applicant submits that he had not committed any forgery of alleged debit advice nor he asked any of his employees to plant the same in the fax machine of a FERA accused Subhash Barjatya. The entire concocted story was put in the mouth of the applicant by Investigating Officer Ramnish Geer, the then Dy. S.P., CBI who was hell bent to ruin co-accused i.e. Sh. Ashok Aggarwal. That the Applicant having no way out, fell prey into the hands of the CBI officers only to save himself and his family and also his business. The CBI officers made the applicant move the said application before this Hon'ble Court completely under the threat, force and coercion. The Applicant was told that the moment he will move application for becoming an approver the CBI will give No-objection as entire investigation and control of the case was in their hand more specifically Sh. Ramish Geer, who had serious disputes with the co-accused Sh. Ashok Aggarwal.

When the order passed by this Hon'ble Court was challenged in higher courts the applicant had no alternative but to support its stance and contest as he was under threat, as if the applicant will not contest in higher courts the CBI will further falsely implicate the applicant in case





under stringent law like Official Secrets Act, Prevention of Corruption Act. under Prevention of Money laundering cases. The applicant has a widow mother who is completely bedridden therefore the Applicant had no choice but under fear and threat had to succumb to the illegal demands of Ramish Geer and other CBI officers.

9. That on the contrary the CBI officers falsely implicated the applicant in various cases and the applicant has now at this stage has clearly understood the illegal motive and ulterior designs of CBI officers and therefore the applicant has decided to expose the CBI officers who have misuse their power and position to falsely implicate the Applicant and the co-accused.
10. That it is submitted that the applicant after losing every thing understood the illegal motives of these CBI officers and is, therefore, today voluntarily placing these correct and truthful facts before this Hon'ble Court in the interest of justice and hence praying for withdrawal of his aforesaid application dated 18.07.2000 and also praying to retract his statement made u/s 164 Cr.P.C.
11. That the applicant after becoming victim to the illegal pressure of CBI officers was force to make statement u/s 164 of Cr.P.C, which was drafted and dictated word by word by the CBI officers as at that particular moment the applicant was petrified and terrorized by the CBI officers and the applicant had to abide by their illegal directions.
12. That the applicant humbly prays before this Hon'ble Court to allow him to retract his statements made u/s 164 and 161 of Cr.P.C. It is submitted

ATTESTED
[Signature]
[Name]



that both the statements were recorded under pressure, duress, force and coercion of the CBI officers thereby being not valid in the eyes of law.

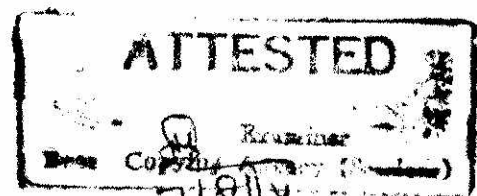
13. That in view of the above the applicant submits that his application dated 14.01.2013 is pending before this Hon'ble Court and the same may also be allowed to be withdrawn.
14. That the present application is made bonafide without any pressure from anyone and the applicant is willing to stand by the present application in the interest of justice.
15. That the present application is also supported by an affidavit of the applicant.

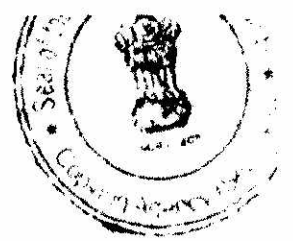
PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court be pleased to:-

- a) Pass an order allowing the applicant to withdraw his application dated 18.07.2000 for becoming an approver under the pressure and threat of the CBI officers as stated in the present application;
- b) Pass an order allowing the applicant to withdraw his application dated 14.01.2013;
- c) Pass an order thereby allowing the applicant to retract his statement made u/s 164 Cr.P.C;
- d) Pass an order holding an enquiry against Shri Ramnish, the then Dy. S.P. CBI and the Investigating Officer of the present case for coercing and pressuring the applicant to make false and concocted statement and

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further directions be passed to take appropriate action against the erring officers of CBI as per law;

- e) Pass an order for protection of life and property of the applicant in jail as the applicant now fears threat to his life;
- f) Pass any other or further order(s) as this Hon'ble Court may deem fit and appropriate in the interest of justice.

Applicant/ Accused Person

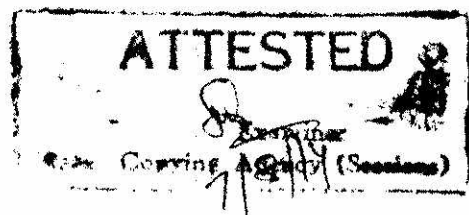


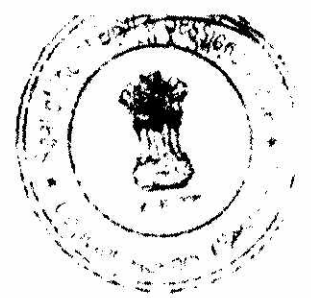
(Abhishek Verma)

Presently in Judicial Custody

Delhi

Dated: 31/07/2014





IN THE COURT OF SHRI J.P.S. MALIK, CBI COURT, TIS HAZARI,
DELHI

In the Matter of:

CBI VS Ashok Kumar Aggarwal

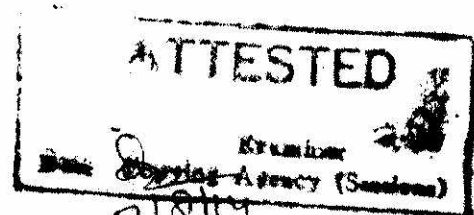
FIR NO. S18/E0001/1999
Dated 29.01.1999

AFFIDAVIT

Affidavit of Sh. Abhishek Verma S/o Late Shri SriKant Verma, aged 47
years (approx.), presently lodged at: C/o Superintendent of Jail, Jail No. 4,
Tihar Jail, Delhi and permanent resident of C-157, Minto Road complex, Delhi,

1. the above named deponent do hereby solemnly affirm and declare as under:
 1. That I am the Applicant and accused in the above noted case and being well conversant with the facts and circumstances of the case, competent to swear this affidavit.
 2. That the accompanying application for withdrawal of my application dated 18.07.2000 and 14.01.2013 and retraction of my statement u/s 164 and 161 of the Cr.P.C has been drafted by me. I admit the same as true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.
 3. That the contents of the same are not repeated herein for the sake of brevity and convenience and the same may be read as part and parcel of this affidavit.

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4. That it is my true and correct statement and is made without any pressure or force.


Deponent

Verification:

Verified at New Delhi on this 31 day of July, 2014 that the contents of the foregoing affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.


Deponent

