



Asian Age ND14/07/2009 P-3

## SC notice to Amar over plots



Amar Singh

New Delhi, July 13: The Supreme Court on Monday sought a reply from Samajwadi Party general secretary Amar Singh on a plea by the UP government seeking to take necessary action against him for alleged irregularities in allotment of plots at Lucknow by the previous Mulayam Singh Yadav government.

The Mayawati government had in November last moved an application in the top court contending that an inquiry report has held Mr Singh guilty of misusing his power during the previous rule for allotment of plots kept for economically weaker sections.

A bench headed by

Chief Justice K.G. Balakrishnan issued a notice to the SP leader for a reply in four weeks. The court also took on record the fresh affidavit filed by the Lucknow Development Authority alleging gross irregularities in allotment of 28 plots at Vipul Khand in Gomti Nagar which caused a loss of over Rs 2.88 crores to state exchequer and sought cancellation of the allotment.

Mr Singh's counsel Mukul Rohatgi alleged a political battle was being played out in courts.

—PTI



# No justice for prof

INDIA TODAY

## Judge says sorry as Nagpur court lets off Sabharwal 'killers'

By Krishna Kumar in Mumbai

A NAGPUR court has acquitted six Akhil Bharatiya Vidyarthi Parishad (ABVP) activists, accused of murdering Ujjain-based professor H.S. Sabharwal in 2006, for lack of evidence.

Additional district and sessions judge Nitin Dalvi, who tried the case after the Supreme Court ordered transfer of the trial from the BJP-ruled Madhya Pradesh, said he was sorry that the slain professor was not able to get "justice from the court".

Dalvi, however, noted this was his personal view and should not be taken as part of the legal proceedings.

This reminds one of the Priyadarshini Mattoo murder case, in which additional sessions judge G.P. Thareja had made a similar remark. After acquitting the accused, he observed that he was convinced that the accused was guilty but could not convict him. He had given him the benefit of doubt but the judgment was overturned in an appeal by the Delhi High Court, which sentenced the accused to death. An appeal is pending before the Supreme Court.

Nagpur's judgement means that Vimal Tomar, Pankaj Mishra, Vishal Rajoria, Shashi Akela, Hemant Dubey and Sudhir Yadav, who were all charged with murder and rioting after they had allegedly beaten up the political science professor in front of policemen and scores of television cameras on August 26, will go scotfree.

The ABVP activists had objected to the postponement of student union elections in Ujjain's Madhav College and had got into a violent argument with Sabharwal that triggered the incident.

Dalvi noted that the prosecution had "prima facie not been able to present any concrete evidence to show that the accused were involved in the murder". The evidence presented by the prosecution "miserably failed" to prove that the men had indeed assaulted Sabharwal, he noted. The quality of the evidence gathered was put in to question when the judge said there was no evidence to show that the six were present at the scene of the crime.

The prosecution's task was not helped by the fact that all of the witnesses in the cases, that included staff of the college and policemen present at the scene of the crime, turned hostile and refused to identify the tainted six.

Chief minister Shivraj Singh Chouhan, who had been associated with the ABVP in various capacities, said the court verdict proved that the professor's death was merely an accident, something which he has been saying from the beginning.

The Congress tore into Chouhan. "We

knew the case had been spoiled by the MP government. (The mind of) the witnesses had been poisoned. They had been influenced. So the verdict was expected," Digvijay Singh, a former MP chief minister, said.

Congress spokesman Abhishek Manu Singhvi said: "This is no ordinary crime. Students murdered a teacher in front of a camera. But still if a court ruling like this comes, it is prosecutorial collusion."

Pointing fingers at the MP government, public prosecutor Praful Shandilya said: "The investigating agency is under the state government. So the probe was executed in the manner the government wanted".

Defence lawyer Pushpendra Kaurav said the prosecution had failed to establish that the accused were at the site of the incident.



College peon Komal Sengar accompanies Sabharwal to the hospital. A witness, Sengar later turned hostile.

### TOTAL RECALL

August 26, 2006

H.S. Sabharwal, a professor of Ujjain's Madhav College, dies after being roughed up by ABVP activists protesting against his decision to cancel college polls following irregularities

October 30

The state police file chargesheets against six accused — all ABVP men

February 5, 2007

Prime witnesses Komal Sengar and M.S. Dodia turn hostile, saying they didn't see the attackers

March 12, 2008

Supreme Court transfers case to Nagpur after Sabharwal's son Himanshu alleges fair trial is not possible in BJP-ruled MP

March 18

Himanshu begins a hunger strike to demand a CBI probe into the death

August 1

SC issues contempt notice against MP govt for 'creating obstacles in way of justice'

## WHAT IS THE WAY AHEAD FOR BEREAVED FAMILY?

■ The trial court verdict in the Professor H.S. Sabharwal murder case can be challenged by the state government or the family in appeal before a high court and thereafter, if required, before the Supreme Court.

■ Sabharwal's son Himanshu has already announced that he would challenge the judgment but he will have a difficult task at hand because an appeal has to be decided on the basis of the same evidence and material relied upon by the trial court. No fresh material, evidence or argument can be raised during appeal.

■ The appellate court can, however, draw a different inference after scrutinising the material on record.

■ Himanshu has so far not questioned the inference drawn by the trial court judge but has alleged that the police had not placed relevant material and evidence on record during trial. The public

prosecutor, who argued the case, has also reportedly accepted that the evidence was not sufficient.

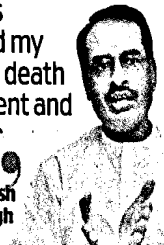
■ Failure of the Investigating agency to place sufficient evidence on record is no ground for assailing a judgment in appeal. Public prosecutor Praful Shandilya has reportedly alleged that the police did not collect material evidence because it was a political case.

■ Himanshu said the judge had admitted in the judgment that he had no option but to acquit the accused in the absence of evidence. Besides, there were reports of witnesses retracting under pressure.

■ In this backdrop, the family could seek retrial by invoking extraordinary powers enjoyed by the Supreme Court to prevent miscarriage of justice. But this power had been invoked only once in the country — in the Best Bakery case. *Gyanant Singh in New Delhi*

“We welcome the verdict. It has strengthened my view that the death was an accident and not a murder

— Madhya Pradesh CM Shivraj Singh Chouhan



“The MP govt was hand in glove with the accused. The blinkered view of the government has led to the verdict

— Congress spokesman Abhishek Manu Singhvi





Times of India ND  
14-Jul-09 p-11

## CVC complains against ex-CJI

**New Delhi:** Law minister Veerappa Moily said on Monday said that the Central Vigilance Commission has forwarded to the government the copy of a complaint about allegations of corruption against a former chief justice of India.

In a written reply to a question in RS, Moily said the complaint is being looked into by the concerned agencies. Though no name was mentioned in the reply, the case apparently relates to former CJI YK Sabharwal. Moily also said there is no mechanism in the Constitution for taking action against a retired judge of the SC. TNN



**Tribune ND** P-18  
**14/7/2009**

## **UP govt gives sanction to prosecute Varun**

**LUCKNOW, JULY 13**

Just at the onset of his political career BJP MP Varun Gandhi is in thick soup with the UP government deciding to prosecute him. The Pilibhit police may file a chargesheet against the leader in a local court for his alleged hate speeches made during poll campaign in March.

"As the government has granted prosecution sanction, police may file a chargesheet against Varun under section 153(A)(promoting enmity on religious grounds), 125 of Representation of the People Act and other relevant sections of the IPC," official sources said here.

The state government granted prosecution sanction to the Pilibhit police to file a chargesheet against Varun under section 153(A) and issued an order on July 3. — PTI



Navbharat times ND 14/07/2009 p-6

# अवैध निर्माण में अब फंसे जामिया नगर एसएचओ

पंकज त्यागी ॥ नई दिल्ली

जामिया नगर के एसएचओ को पुलिस ट्रेनिंग कॉलेज में ट्रांसफर करने के बाद उनके खिलाफ डिपार्टमेंटल इन्क्वायरी का ऑर्डर कर दिया गया है। हाई कोर्ट के स्टे के बावजूद इलाके में जारी अवैध निर्माण की जांच अडिशनल डीसीपी संजय जैन ने मौके पर जाकर की थी। पुलिस सूत्रों के मुताबिक, नेब सराय थाने के एसएचओ अनिल कुमार समेत 13 पुलिस वालों को लाइन हाजिर करने से पहले भी डीसीपी (साउथ) एच. एस. धालीवाल ने खुद सैनिक फार्म जाकर अवैध कन्स्ट्रक्शन होते देखा था, जिसके

बाद कार्रवाई हुई है। पिछले महीने बाराखंभा रोड के एसएचओ भी अवैध निर्माण मामले में सस्पेंड किए गए थे।

पिछले हफ्ते जामिया नगर के एसएचओ मुहम्मद इकबाल को हटाकर

**अवैध निर्माण में बाराखंभा रोड के एसएचओ भी इससे पहले हुए थे सस्पेंड**

पुलिस ट्रेनिंग कॉलेज में भेजा गया। पुलिस सूत्रों के मुताबिक, इस थाने के तहत आने वाले बटला हाउस और जोगाबाई में अवैध कमर्शियल कन्स्ट्रक्शन की कंप्लेंट सीनियर अफसरों को

लगातार मिल रही थी। इसे पुलिस कमिश्नर वाई. एस. डडवाल की जानकारी में भी लाया गया। इसके बाद डिस्ट्रिक्ट डीसीपी शालिनी सिंह की देखरेख में अडिशनल डीसीपी संजय जैन को जांच का जिम्मा दिया गया।

संजय जैन ने बटला हाउस और जोगाबाई में जांच की और अवैध निर्माणों की डिटेल रिपोर्ट पुलिस कमिश्नर को भेज दी गई। एसएचओ के खिलाफ डिपार्टमेंट इन्क्वायरी का आदेश जारी किया गया है। सूत्रों के मुताबिक, इस इलाके में भी हाई कोर्ट ने निर्माण पर बैन लगाया हुआ है, पर पिछले कुछ सालों में इलाके में सैकड़ों नई इमारतें बन गईं।



Navbharat times ND 14/07/2009 P-7

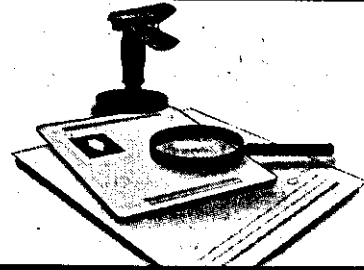
## नोएडा में एनजीओ के पूर्व अफसर पर धोखाधड़ी का केस दर्ज

नगर संवाददाता ॥ नोएडा

स्मॉल व मीडियम इंडस्ट्रीज के लिए काम करने वाले एक एनजीओ के पूर्व अधिकारी पर सेक्टर-20 थाने में धोखाधड़ी का मामला दर्ज कराया गया है। इसके बेटे और एक अन्य रिश्तेदार पर भी फर्जी वेबसाइट और लेटर हेड का मिसयूज कर फायदा उठाने का आरोप है। पुलिस ने मामले की छानबीन शुरू कर दी है।

यह मामला सेक्टर-16ए स्थित वर्ल्ड असोसिएशन फॉर स्मॉल एंड मीडियम एंटरप्राइजेज (वास्मे) की गर्वनिंग बोर्डी मेंबर ज्ञान प्रकाश अग्रवाल ने दर्ज कराया है। इनका आरोप है कि सेक्टर-31 निवासी अरुण अग्रवाल एनजीओ में काम करते थे। 2 लाख 44 हजार अमेरिकी डॉलर के गबन के आरोप में इन्हें 2 साल पहले एनजीओ से निकाल दिया गया। इससे नाराज अरुण अग्रवाल ने एनजीओ को नुकसान पहुंचाने की साजिश रची। आरोप है कि इसने अपने बेटे व्योम अग्रवाल की मदद से वास्मे की वेबसाइट से मिलती हुई एक फर्जी वेबसाइट तैयार कराई। इसमें इसके एक रिश्तेदार गिरीश गुप्ता ने भी मदद की। इस वेबसाइट में अरुण ने खुद को एनजीओ का इग्जेक्यूटिव डायरेक्टर बताया और फर्जी लेटर हेड छापवा लिए। इसके अलावा अलग-अलग नामों से 16 से ज्यादा ई-मेल आईडी बनवाई। इस तरह फर्जी वेबसाइट और ईमेल के जरिए इन्होंने ऑस्ट्रिया समेत अन्य कई देशों में संपर्क किया। पिछले साल 28 से 30 नवंबर के बीच इन्होंने ऑस्ट्रिया

क्या हैं आरोप



- ▶ फर्जी वेबसाइट व लेटर हेड तैयार कराया
- ▶ खुद को संस्था का इग्जेक्यूटिव डायरेक्टर बताकर विदेश से उठाया फायदा
- ▶ 2 साल पहले लाखों डॉलर के गबन में एनजीओ से निकाल दिया गया था

की राजधानी वियना में कुछ लोगों के साथ मीटिंग भी की। ये अप्रैल में भी कुछ देशों में गए और एनजीओ का इग्जेक्यूटिव डायरेक्टर बताकर गलत तरीके से फायदा उठाया। इससे एनजीओ की छवि धूमिल हुई है।



Pioneer ND 14-Jul-09 p-4

# Jharkhand DGP caught red-handed in Rs 5.6-cr police secret fund

## Union Cabinet Secretary has been briefed about the case, Centre yet to react

PNS ■ New Delhi

**T**he Union Ministry of Home Affairs is yet to react even though Jharkhand DGP Vishnu Dayal Ram has been caught red handed in a lie about Rs 5.6 crore secret police fund having been withdrawn by him barely a couple of weeks before the amount was due to lapse on March 31, 2006.

The DGP is yet to submit the utilisation certificate till date despite serious objections raised by the Accountant General office, which has already also requested the Jharkhand Government, presently under President's rule, for a thorough probe fearing the possibility of fraud, embezzlement and misappropriation of the public money.

However, Ram has been claiming he did not furnish the utilisation certificate because there was no provision for it since the State Government had not notified any controlling officer. Claiming that he is innocent, the DGP told *The Pioneer* on phone, "There is no misappropriation of fund. As under section 39(4) of the Bihar Financial Rules (which is applicable in Jharkhand) there should be a controlling officer.

But the Jharkhand

Government has not notified the post of the controlling officer." He added that even in Bihar there is no controlling officer (for the purpose) since 1999. Ram, however, claimed to have written a letter to the Jharkhand Government in May 2009 requesting it to nominate a controlling officer.

But, *The Pioneer* has documents (see the scanned copy) that shows he by virtue of being the ADGP Special Branch had himself submitted a utilisation certificate along with the counter signature of the then Chief Secretary G Krishnan for money withdrawn from police secret fund in 2002-2003.

It was on the basis of this utilisation certificate that Jharkhand Home Secretary JB Tubid had refused to accept the DGP's pleas and had forwarded the AG's objection to the Chief Secretary, who in turn sent it to the Raj Bhavan with his adverse remarks. Adviser (Home) TP Sinha, a retired DGP of Jharkhand, is said to have recommended action against Ram saying he had also taken the CS's counter signatures on utilisation certificates of police secret funds as ADGP special branch.

The Union Cabinet

Secretary was briefed about the case when he was in Ranchi recently and all documents related to this case have already been forwarded to the MHA, but no action has been taken so far.

The police secret fund is not subject to AG audit, but is certainly spent in accordance with laid down norms of administrative audit by way of the utilisation certificate being submitted to the AG office by the additional director general of police (special branch), the nodal officer to handle the secret fund, along with the counter signature of the Chief Secretary. The counter signature of the CS basically legitimises the expenditure.

Ram withdrew the huge amount of money barely 15 days before it was about to lapse and has been unable to furnish satisfactory account of the funds, which casts a serious doubt on its legitimate use in such a short span of time of 15 days, even then the authorities are silent.

The matter was first raised by PS Natarajan in early 2007, but it subsided after the police headquarters spread the rumour that it was used in purchasing mobile phone interceptors. But, sources in the police HQs confirm that the mobile

phone interceptors have been bought from police modernisation funds and not from the secret funds. First interceptor was purchased during the tenure of the then DGP SM Cairae and two others were bought during the tenure of the serving DGP, sources said.

"This is not just a procedural lapse, it casts a doubt on the intention of Ram. This calls for at least a probe and to make the probe transparent and impartial first Ram should be replaced so that he may not interfere in the enquiry and misuse the power that goes with the post of the DGP" says a senior IPS officer.

Manoj Kumar Mandal was the CS in March 2006 and when he refused to sign the certificate, Ram had tried to get the countersignature of his successor, but he too had refused claiming it was too late, sources said.

Sources say Ram knows he has committed a blunder. He had never thought the matter would be raised later since the vouchers related to secret fund are destroyed after a year.

But, absence of the utilisation certificate has cast serious doubts on its proper utilisation and cannot be brushed under the carpet as a mere lapse or irregularity of accounts, sources said.



Veer Arjun ND 14-Jul-09 p-4

## श्रेष्ठ विहार हत्याकांड में विश्वासघाती नौकर पकड़ा

वीर अर्जुन संवाददाता  
नई दिल्ली। आनन्द विहार के श्रेष्ठ विहार इलाके में पिछले हफ्ते सीनियर सिटीजन की हत्या और उसकी पत्नी को पिटाई करके बंधक बनाकर लाखों की नकदी व ज्वेलरी लेकर फरार विश्वासघाती नौकर सुरजीत सिंह मुंडा को पुलिस ने गिरफ्तार कर गोल्ड चेन, अंगूठी और 25 हजार की नकदी बरामद की।

आरोपी नौकर सुरजीत सिंह को श्रेष्ठ विहार में पत्नी सुधा सोली (67) के साथ रहने वाले यशपाल सोली (67) ने पांच जुलाई से पांच दिन पहले ही नौकरी पर वेरिफिकेशन करवाए

बगैर रखा था। पांच सितंबर 09 को उसने अपने दो नेपाली साथी कुमार

○दो नेपाली साथियों की भी तलाश

○वर्ष 01 से 03 तक उसी घर में रह चुका था

धापा और श्याम थापा के साथ श्री सोली की हत्या करके उनकी पत्नी के हाथ-पैर बांधकर घर में रखे ढाई लाख रुपये व दस लाख की ज्वेलरी लेकर फरार हो गया। इस वारदात की योजना सुरजीत ने तिहाड़ में दोनों

साथियों के साथ मिलकर बनाई थी। सुरजीत ने वर्ष 2001 से 03 तक श्री सोली के इसी घर में काम किया था। उसे मालूम था कि श्री सोली पत्नी के साथ ही रहते हैं। वारदात के बारे में उस समय मालूम पड़ा था जब उनकी बेटी स्वाती गुड़गांव अपने ससुराल से फोन कर रही थी परन्तु रिसीव नहीं होने के कारण उसने अपने पास ही रहने वाले जानकार को फोन करके जानकारी लेने के लिए कहा था। जब वह वहां गया तो उसने श्री कोहली को स्टडी रूम में मरा पाया था तथा सुधा को बेडरूम में हाथ पैर बंधी हालत में बेहोश पड़ा पाया था।