



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SLP (CRL.) No. 1623-1624 Of 2020**

IN THE MATTER OF: -

DIRECTORATE OF ENFORCEMENT PETITIONER

VERSUS

ANIL TUTEJA & ORS ETC. RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT
NO. 1 IN SLP (CRL.) NO.1624/2020**

I, Alok Shukla S/o Late Sh. TC Shukla R/o 100,
Dreamcity Farms, Near Rajwada Resort, Airport Road,
Raipur – 492012, do hereby solemnly affirm and declare
as under:

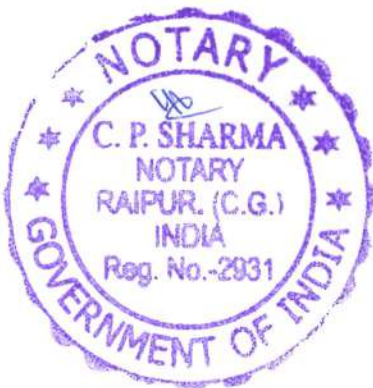


1. That I am arrayed as Respondent No.1 in SLP (Crl) No.1624 of 2020 and well aware with the facts and circumstances of the case and therefore competent to swear the present affidavit.
2. That at the outset all the averments in the Special Leave Petition, additional affidavits filed by the Petitioner are denied until admitted herein.
3. That the Present SLP has been filed by the Enforcement Directorate against the common order

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of Honorable High Court of Chhattisgarh dated 14.08.2020 in M.Cr.C.(A) No. 469 of 2020 and M.Cr.C.(A) No. 484 of 2020, by which Honorable Chhattisgarh High Court granted Anticipatory Bail to the answering respondent and respondent no.-1 Anil Tuteja in ECIR/RPSZO/01/2019 registered with the Directorate of Enforcement, Raipur (later transferred to Directorate of Enforcement New Delhi) for the offences punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002. Honorable Chhattisgarh High Court has passed a reasoned and just order and the SLP filed by the Petitioner agency, Enforcement Directorate (hereinafter called ED for brevity) is without merit, filed in a malafide manner only to harass the answering respondent and deserves to be dismissed.

4. That the Petitioner ED had submitted some WhatsApp chats in a sealed cover before this Honorable Court which have allegedly been recovered from mobile phone of respondent no. -1 –



Anil Tuteja, seized by the Income Tax Department in a raid on his premises which commenced on 27.02.2020 at 11:30 AM and lasted till 2:05 AM on 01.03.2020. Petitioner ED has submitted two additional Affidavits in this Honorable Court, one on 19th July 2024 and the other on 9th September 2024. State of Chhattisgarh, which is not a party in this SLP has submitted two affidavits in WP (CrI.) 506 of 2021, which is tagged with this SLP, one on 1st August 2024 and second on 25th September 2024.

5. That this honorable Court has taken these affidavits filed by the ED and the State of Chhattisgarh on record and has directed the respondents to file a counter-affidavit with respect to them.

PRELIMINARY SUBMISSIONS

6. That the entire case of ED is without any merit based on the following points -

- a. **No Prosecution Complaint** filed even after 5 Years and 9 Months of ECIR.



b. **No Proceeds of Crime** even after 6 years of investigation by ED.

c. **No recovery** from respondent Alok Shukla in predicate offence.



d. Respondent **Alok Shukla has never been raided** either by the ED or Income Tax or ACB/EOW or any other State Agency.

e. There is **no Departmental Inquiry, No case of Disproportionate Assets** against respondent Alok Shukla.

f. Respondent **Alok Shukla has retired from Government Service on 5th December 2023** and has no influence in the State Government whatsoever.



g. **Alok Shukla appeared 6 Times before the ED to co-operate in investigation** and submitted all documents demanded by ED.

h. Alleged **WhatsApp chats of Phone of Anil Tuteja cannot be linked to Alok Shukla**

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because no mobile phone or electronic device has been seized from Alok Shukla.

i. **No WhatsApp chats or other material has been submitted in Court in support of the allegation that Bail in PMLA was granted not on merits but under undue influence.**

j. In support of their false allegations, ED has made another false allegation that the **Bail in PMLA must have been granted under undue influence, since the Judge who granted anticipatory bail to the respondents in PMLA had also granted anticipatory bail in predicate offence to respondent no. – 2 – Alok Shukla on 16th October 2019 under undue influence.**

However, ED and the State of Chhattisgarh have **not challenged the anticipatory bail in predicate offence in SLP.**

k. ED has alleged undue influence on the Judge in granting anticipatory bail to respondent no.



-2 Alok Shukla in the Predicate offence, merely on the basis of some WhatsApp chats allegedly recovered from the mobile phone of respondent no. -1 - Anil Tuteja in an Income Tax raid in February 2020. Even if these chats are taken on face value it can be seen that they are not with any Judge. It is explained in subsequent paragraphs of this counter-affidavit, that these alleged WhatsApp chats are merely in the nature of gossip and do not support any allegation of undue influence of any Judge.



- I. Bail Petitions for Respondent No. -1- Anil Tuteja - M.Cr.C.(A) No.469 of 2020 was filed on 17-03-2020 and for respondent no. - 2 - Alok Shukla - M.Cr.C.(A) No.484 of 2020 was filed on 19-03-2020 in Chhattisgarh High Court two months after the seizure of mobile phone of respondent no. - 1 - Anil Tuteja. Since the Anticipatory Bail Petitions in PMLA were not

even filed in Court, there can be no chats in the seized mobile phone with respect to the anticipatory bail in PMLA.

m. After initial hearing of both petitions by the Bench of Honorable Mr. Justice Arvind Singh Chandel they were shifted to different benches of the High Court. Petition of Respondent No. – 1 – Anil Tuteja went to the Bench of Honorable Mr. Justice Manindra Mohan Shrivastava and the Petition of Respondent No. – 2 – Alok Shukla went to the bench of Honorable Mr. Justice Prashant Mishra. Honorable Mr. Justice Manindra Mohan Shrivastav recused from the matter and ordered on 24-06-2020 that the matter be listed before a bench in which he is not a member. True copy of order dated 24.06.2020 passed by the High Court of Chhattisgarh in MCRCA No.469 of 2020 is annexed herewith and marked as **Annexure-R-2/1**. [Pg. to]



Similarly, Honorable Mr. Justice Prashant Mishra ordered on 30-06-2020 that - "Since cases arising out of NAN Scam are exception to this Bench, let the present matter be also placed before Hon'ble the Chief Justice for listing before the appropriate Bench." True copy of order dated 30.06.2020 passed by the High Court of Chhattisgarh in MCRCA No.484 of 2020 is annexed herewith and marked as

Annexure-R-2/2. [Pg. to]

n. The matter was thereafter sent to the bench of Honorable Mr. Justice Arvind Singh Chandel, by Honorable the Chief Justice of High Court of Chhattisgarh. **It is clear from above, that respondents had no role in the matter being heard and decided by Honorable Mr. Justice Arvind Singh Chandel. Cases are allocated to different benches by Honorable the Chief Justice of High Court.**



o. **ED argued its case in detail and never even once made any effort to change the Bench. Obviously, there was nothing in the in the conduct of the respondents or the Judge which could have even remotely suggested any undue influence on the Judge. High Court has passed a reasoned and speaking order on merits after hearing and dealing with arguments of ED in detail. Since there are no grounds to challenge the Anticipatory Bail order on merits, ED has resorted to gossip mongering and tarnishing the image of an honest judge only to harass the respondents by getting their Bail Cancelled after a period of more than 4 years.**



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p. Income Tax Department had all the material of WhatsApp chats available to it since February of 2020. If this material was not shared by the

Income Tax Department with ED immediately, this shows that Income Tax Department did not consider these chats to reveal any undue influence on any Judge. Income Tax Department is an important agency of the Central Government, which is duty bound to immediately share all material collected by it with ED. On the other hand, if Income Tax Department had shared the alleged WhatsApp chats with ED, it shows that ED did not consider these chats to indicate any undue influence on the Judge, otherwise, it would have requested Honorable the Chief Justice of Chhattisgarh High Court to change the bench hearing the Anticipatory Bail Petition.

q. ED has also not made any complaint against the Judge or against the Advocate General in proper forums, because it knows that allegations of



undue influence are false and can result in contempt proceedings against them.

r. ED registered ECIR/RPSZO/01/2019/1173 on 9th January 2019. High Court had granted 'No coercive action' against the respondents on 19-03-2020, one year and 3 months after registration of ECIR. Anticipatory Bail was granted by the High Court on 14.08.2020 approximately 4 years and 3 months ago by a reasoned and speaking order. It may be noted **ED did not find any need to arrest the respondents during the period of one year and three months prior to grant of 'No coercive action' by the High Court.**



7. The allegations made by the Petitioner ED as well as the State of Chhattisgarh against the respondents in their affidavits, and presumably in the sealed cover are dealt with in detail in the following paragraphs to show that they are false. These are: -

- a. The gravest allegation is that the respondents obtained bail by influencing Judge of the High Court of Chhattisgarh.
- b. Allegations of influencing High ranking Law Officers of Chhattisgarh, other officers of State and witnesses have also been made in these affidavits.
- c. One FIR related to an alleged liquor scam in which respondent No. -1 Anil Tuteja is named as an accused has been annexed to Affidavit of the ED filed on 9th September 2024. This affidavit and FIR are not related to Respondent No. -2 – Alok Shukla.
- d. Four other FIRs have been attached in the affidavit of the State filed on 25th September 2024. These are neither against respondent no.-1 Anil Tuteja, not against answering respondent.



8. **False Insinuations about the High Court Judge being influenced** – Honorable Supreme Court has

rightly expressed concern about allegations of High Court Judge being influenced. This is a very serious matter because these false allegations have been made without any basis only to tarnish the reputation of Judiciary and cause apprehension in the minds of judges that if they grant bail even in deserving cases, false allegations can be leveled against them with impunity by the State. It is submitted that the **alleged WhatsApp chats have not been recovered from the mobile phone of answering Respondent/Alok Shukla or Advocate General, Satish Chandra Varma. These chats therefore, cannot be linked to respondent no.-2 - Alok Shukla, Advocate General Mr. Satish Chandra Varma or any other person, whose mobile devices have not been seized. Chats have not been intercepted by any agency, and have only been allegedly recovered from the mobile phone of respondent no. – 1 – Anil Tuteja. Even the**



mobile numbers of respondent no. -2 – Alok Shukla and of Advocate General Satish Chandra Varma have not been given in any affidavit of ED or the State.

9. **Anticipatory Bail in Predicate offence was granted to respondent no. – 2 – Alok Shukla not under undue influence but on merits** - Bail

was granted in the teeth of opposition by the State, by a well-reasoned and speaking order of the High Court on 16-10-2019. True copy of order dated 16.10.2019 passed by High Court of Chhattisgarh in M.Cr.C.(A) No.788 of 2019 is annexed herewith and marked as **Annexure R-2/3** [Pg. to]. The respondents have no role in allocation of any case to any bench of the High Court. **Cases are allocated to benches of High Court as per roster decided by Honorable the Chief Justice of High Court.** The Bail matter in Predicate offence was **heard by Honorable Mr. Justice Arvind Singh Chandel only after recusal by Honorable Mr. Justice**



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Manindra Mohan Shrivastava on 26-07-2019.

True copy of order dated 26.07.2019 passed by High Court of Chhattisgarh in M.Cr.C.(A) No.788 of 2019 is annexed herewith and marked as **Annexure R-2/4** [Pg. to]. There were reasonable grounds on merits for grant of Anticipatory Bail. These are: -

a. **FIR was registered on 12th February 2015 by ACB/EOW, Chhattisgarh. The respondent Alok Shukla has never been arrested in the matter.**

b. **The investigation against him was complete and charge-sheet against him was already filed in December 2018.**

c. **All evidence collected during investigation was already in the custody of the trial court.**

d. **11 co-accused had already been granted bail by Supreme Court between 22-09-2017 and 05-03-2018. Co-accused Anil Tuteja was granted bail in Predicate offence by**



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co-ordinate Bench of Honorable Mr. Justice Ram Prasanna Sharma of the same High Court on 29-04-2019 and bail was granted to co-accused Shivshankar Bhatt by co-ordinate Bench of Honorable Justice Gautam Bhaduri of the same High Court on 02-08-2019. Respondent no. -2 - Alok Shukla was the last to be granted bail by Honorable Mr. Justice Arvind Singh Chandel of the Chhattisgarh High Court.



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- e. There is **no recovery, no case of disproportionate assets and no departmental inquiry** against respondent no. -2 – Alok Shukla.
- f. Before Bail was granted in the Predicate Offence, all **witnesses cited as bribe givers by the prosecutions had already denied giving bribes** in the Trial Court. Similarly, before Bail was granted in the Predicate

Offence, **all NAN employees cited by the prosecution as having received bribes to pass on to the respondents had already denied in Trail Court that they received any Bribes** from any person. 58 witnesses had already become hostile before Bail was granted in the Predicate offence to respondent no.-2- Alok Shukla. **All hostile witnesses were cross-examined at length in the Trail Court by the prosecution.** They stuck to the statement that they had been harassed and coerced by the ACB/EOW officers and their purported section 161 CrPC statements were false and fabricated. Out of these 58 witnesses, **20 witnesses had already become hostile in the on-going trail against other co-accused, even before supplementary charge-sheet was filed against the respondents in December 2018, when BJP Government was in**



power in the State. It can therefore be seen that **the entire edifice on which the Prosecution case rested had already fallen before Bail was granted to respondent no.-2- Alok Shukla, in the Predicate Offence.**

10. **WhatsApp chats relied upon by ED to not support the false insinuations and gossip of undue influence on the Judge –**

a. ED and the State have made false and frivolous allegations that brother of the Judge, Mr. Ajay Singh who is a senior IAS officer, was appointed as Deputy Chairman of the State Planning Commission as a quid-pro-quo for grant of bail to respondent no.-2- Alok Shukla in the predicate offence. It is important to note that **same Mr. Ajay Singh has been given a post-retirement appointment by the current BJP Government in the State on the Constitutional Post of State Election**



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Commissioner. Obviously, Mr. Ajay Singh is a capable and deserving officer who has been given appointments on important posts by Governments of all political parties and his appointments have nothing to do with his brother being a Judge of the High Court and cannot be treated as quid-pro-quo.



- b. ED and the State have alleged in their affidavits that CV of the daughter and son-in-law of the Judge were sent on WhatsApp by the Advocate General of the State Mr. Satish Chandra Varma to respondent no. -1 Anil Tuteja. It is reiterated that any WhatsApp chats allegedly recovered from the mobile phone of respondent no. -1 – Anil Tuteja cannot be linked with the mobile phone of any other person including Mr. Satish Chandra Varma, unless they are also recovered from the mobile phone of that person. Be that as it may, the allegation of sending CV of the daughter and son-in-law of the judge is



nothing but mere gossip because there is **not even the whisper of any allegation that on the basis of CV so sent or otherwise, any favor was given to the daughter or son-in-law of the Judge in any manner.**

c. There is an allegation that the Chief Minister of the State Mr. Bhupesh Baghel requested the Judge to help the respondents. This is also a bland allegation without any proof which has been formally denied by Mr. Bhupesh Baghel.

It was **categorically stated by Mr. Kapil Sibbal counsel for the State of Chhattisgarh during hearing of this case on 20th October 2022, before bench headed by Honorable the Chief Justice that he has been instructed by Mr. Bhupesh Baghel to inform the Court that the Chief Minister Bhupesh Baghel did not meet any judge and did not ask any judge to help any accused. In reply to**



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this Solicitor General Mr. Tushar Mehta even told that Court that he had merely referred to a WhatsApp chat. This was reported in the National Media widely on 21st October 2022, including in the Legal World.

11. That as regards grant of anticipatory bail in the present matter, it is submitted as under: –

a. The Anticipatory Bail was opposed by the ED Counsel and the High Court has passed a **detailed well-reasoned speaking order** on merits while granting Anticipatory Bail.

b. Nothing has been said in the sealed cover or the affidavits of the ED or the State about merits of the Bail order, which is a detailed speaking order passed by the High Court.

c. There are **no chats related to the Anticipatory Bail under PMLA.**

d. The respondents did not have any role in which Bench of the High Court will hear their Anticipatory Bail Petition. **Petitions are**



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allocated to different benches of the High Court according to the roster decided by Honorable the Chief Justice of the High Court.

e. The Anticipatory Bail Petition of respondent no. – 1 – Anil Tuteja was being heard by the bench of Honorable Mr. Justice Manindra Mohan Shrivastava, who recused from the matter and ordered that it be listed before another bench. The Anticipatory Bail Petition of respondent No. – 2 – Alok Shukla was being heard by Honorable Mr. Justice Prashant Mishra, who recused from the matter and ordered that Honorable the Chief Justice may be requested to place the matter before another bench. Thereafter both the Petitions were allocated to Honorable Mr. Justice Arvind Singh Chandel by Honorable the Chief Justice of Chhattisgarh.

f. **ED argued its case in detail and never even once made any effort to change the**



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Bench. Obviously, there was nothing in the conduct of the respondents or the Judge which could have even remotely suggested any influence on the Judge. High Court has passed a reasoned and speaking order on merits after hearing and dealing with arguments of ED in detail. Since there are no grounds to challenge the Anticipatory Bail order on merits, ED has resorted to gossip mongering and tarnishing the image of an honest judge only to harass the respondents by getting their Bail Cancelled after a period of more than 4 years.

g. Income Tax Department had all the material of WhatsApp chats available to it since February of 2020. If this material was not shared by the Income Tax Department with ED immediately, this also shows that the Income Tax



Department did not consider these chats to reveal any undue influence on any Judge. Income Tax Department is an important agency of the Central Government, which is duty bound to immediately share all material collected by it with ED. On the other hand, if Income Tax Department had shared the alleged WhatsApp chats with ED, it shows that ED did not consider these chats to indicate any undue influence on the Judge, otherwise, it would have requested Honorable the Chief Justice of Chhattisgarh High Court to change the bench hearing the Anticipatory Bail Petition.



- h. **ED has also not made any complaint against the Judge or against the Advocate General in proper forums, because it knows that allegations of undue influence are false and can result in contempt proceedings against them.**

i. ECIR was registered in this case on 9th January 2019. **High Court had granted 'No coercive action' against the respondents on 19-03-2020, one year and 3 months after registration of ECIR.** Anticipatory Bail was granted by the High Court on 14.7.2020. It may be noted **ED did not find any need to arrest the respondents during this period.**

j. The respondents have fully cooperated in investigation by ED and have always appeared for interrogation when summoned and have submitted all documents which were asked for by the ED. Respondent no. -2 – **Alok Shukla has appeared before the ED on 5 days.**

k. ED has argued that quality of custodial interrogation is better. **This can only mean that ED wishes to harass the respondents in order to record false confessions from them.** This Honorable Court has recently held



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that confessions recorded under section 50 of PMLA cannot be used against the accused.

l. **No proceeds of crime have been identified and no prosecution complaint has been filed** by the ED even after more than 5 years have passed.

m. **All prosecution witnesses in the trial of predicate offence have denied giving bribes or having received any bribe money to be given to the respondents.**

n. The trial is likely to take a long time as prosecution complaint has not even been filed.

o. As has been held by this Honorable Court in several cases, Bail is the rule and jail is the exception.



12. **The allegation that Respondents approached the High Court Directly without first Approaching the Sessions Court for grant of**

Anticipatory Bail in PMLA - This issue has been dealt with and disposed of by the High Court in the

order granting PMLA itself. High Court has on the basis of several citations of judgements of Honorable Supreme Court and of co-ordinate Bench of the same **High Court has held that the power of High Court and Sessions Court in matters of Anticipatory Bail are co-terminus** and there is no bar on approaching the High Court directly for Anticipatory Bail under Section 438 CrPC.



13. **The allegations on the basis of these alleged WhatsApp chats that respondents influenced witness are completely baseless.** The History of witnesses becoming hostile is summarized below -

a. **20 witnesses became hostile even before charge-sheet filed against the respondents in December 2018, when BJP Government was in power.**

b. **58 witnesses became hostile before respondent Dr Alok Shukla got bail in the predicate offence on 16-10-2019** and 49 witnesses were hostile before respondent Anil



Tuteja got Bail in the Predicate offence on 29-04-2019.



- c. There is **no complaint by any witness** that either respondent tried to influence them.
- d. The **witness who became hostile in trial Court, were cross-examined in detail by the prosecution**, yet they remained steadfast in their statement that they were coerced and harassed by the ACB/EOW officers to record false and fabricated statement under Section 161 CrPC.

14. **The allegations about influencing suspension of some officers, FIR being registered against some officers**, etc., on the basis of these WhatsApp chats in Paragraph 17 of the affidavit of ED dated 19th July 2024 are also patently false and at any rate have nothing to do with the present respondents. The points mentioned in this paragraph are actions of the State's Law enforcement Agencies. **Neither respondent was officer in the Home**



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Department and neither respondent dealt with any of these matters. It may also be noted that none of the persons mentioned in paragraph 17 of the affidavit of ED filed on 19th July 2024, have never made any complaint against either respondent.



15. **Allegations of influencing the Investigation** on the basis of these WhatsApp chats are also completely false. The investigation was already completed against both respondents in the predicate offence and charge-sheet had been filed against both, in December 2018 itself, when BJP Government was in power in the State. All evidence collected in investigation had already been submitted to the trial court and was in the custody of the trial court. The allegation of influencing the investigation is completely false because at this time the investigation had already been completed and charge-sheet had been filed.



16. The allegations about influencing the reports of SIT in paragraph 11 of the affidavit of the State of Chhattisgarh dated 1st August 2024 and paragraph 12 of the Affidavit of ED dated 19th July 2024 are completely false and irrational. The **SIT was not investigating the respondents in this case.** Investigation against the respondents had already been completed and charge-sheet had already been filed against them before the constitution of the SIT. The **SIT was in fact investigating corruption in NAN from the year 2011 to 2013, which is prior to the posting of the present respondents in NAN.** True copy of status report of SIT submitted in Chhattisgarh High Court dated 21-02-2019 in WP (PIL) No. 43 of 2015 is annexed herewith and marked **Annexure-R-2/5** [Pg. to]



17. The allegations in paragraph 8 of the State Affidavit filed on 1st August 2024 about any purported statement by Shivshankar Bhatt have not relevance as **Shivshankar Bhatt is a co-accused in this**

matter and his statement will not even be read in the trial.

18. Allegation about preparation of Retraction Statement of Arvind Dhruv mentioned in Paragraph 12 (c) of the State Affidavit dated 1st August 2024 and paragraph 15 of the affidavit of ED dated 19th July 2024 is completely false. Arvind Dhruv became hostile in his statement in the Trial Court on 29-05-2019 much before respondent no. -2 Alok Shukla got Bail in the Predicate Offence on 16-10-2019. **A bare reading of the Trial Court Statement of PW-129 Arvind Dhruv will show that he was cross-examined by the prosecution in detail and for a very long time in the trial court. Both during his examination-in-chief and cross examination by the prosecution, this witness steadfastly stuck to the fact that he was harassed, coerced and tortured by the ACB/EOW officials at least on 25 occasions and was compelled illegally not only to give false**



statement but also to fabricate documents including a diary and many lose sheets of paper. He has told the Trail Court in paragraph 40 of his deposition that ACB officials used to type the text on a computer and he was forced to copy that text in his handwriting in a diary and lose sheets of paper to falsely implicate the accused persons. This is in fact a case of criminal intimidation of witnesses by the ACB/EOW officers. It may also be noted that PW-129 Arvind Dhruv has not made any complaint against the respondents in this case and has not alleged any influence by them. The respondent is not aware what, if any statement was given by PW-129 Arvind Dhruv to ED under section 50 PMLA, but it is obvious that once Arvind Dhruv had given the Statement in Annexure-10 in the trial Court, any statement under Section 50 PMLA thereafter has no value. True copy of the statement of PW-129 recorded before Special Judge (P.C. Act) and First



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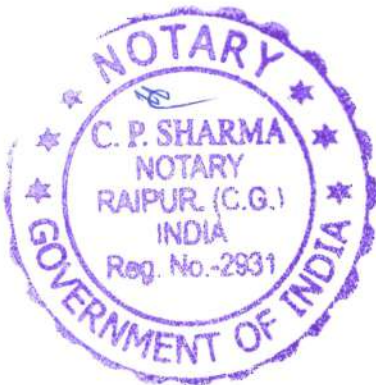
additional sessions judge, Raipur, Chhattisgarh dated 29.05.2019 is annexed herewith and marked as **Annexure R-2/6** [Pg. to]

19. The allegation in paragraph 10 of the State Affidavit filed on 1st August 2024, that the respondents intimidated Mr. Brijesh Mishra who had sanctioned prosecution against them is also completely false.

Prosecution sanction was granted not by Brijesh Mishra, who was a Junior Officer in the State of Chhattisgarh. Prosecution sanction against the respondents was granted by Government of India, DoPT, on the recommendation of the State Government. The matter was dealt with in the State Government by the Additional Secretary in Law Department, who is a senior Judicial Officer.

20. There is no complaint by any witness about being influenced by any respondent.

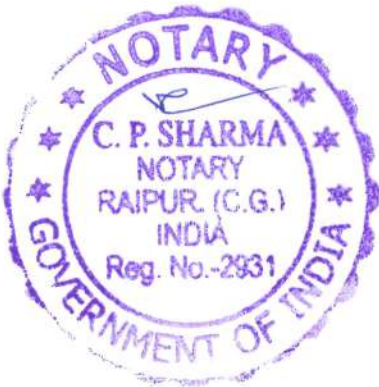
21. **Affidavit of ED filed on 9th September 2024** – Affidavit of ED filed on 9th September 2024 has nothing against respondent no. -2 – Alok Shukla.



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22. **Affidavit of State of Chhattisgarh filed on 25th September 2024** – This affidavit also has nothing against respondent no. -2 – Alok Shukla.

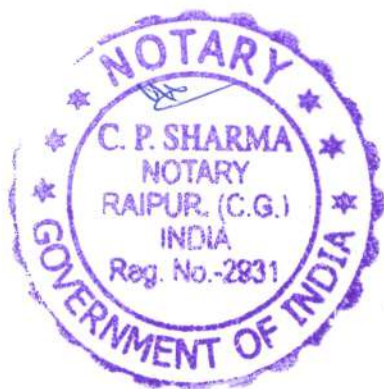
23. **Sealed Cover filed by the State** – It may please be seen in the order of this Honorable Court in this matter dated 19th September 2022, that the Counsel for State Mr. Kapil Sibbal was given liberty to file material in sealed cover on behalf of the State, which was filed by the State. **The contents of this sealed cover describe in detail the corruption of senior functionaries of the BJP Government prior to the tenure of the present respondents in NAN. The present respondents had taken measures to put a stop to this corruption, which had angered the powerful senior functionaries in the then BJP Government. Present case is a false and fabricated case only to harass the respondents in an effort to hound and intimidate honest officers.**



24. As per the office report in this matter, **Trial of the predicate offence has come to an end** and has been stayed by this Honorable Court on 26-09-2022 on the prayer of ED which wants to illegally implead in the trial court only to prolong the harassment of the respondents.



25. In view of the above facts and circumstances of the present case as hereinabove, it is humbly submitted that the present Special Leave Petition does not warrant consideration by this Hon'ble Court exercising jurisdiction under Article 136, Constitution of India and is liable to be dismissed.



26. That no new facts, which were not pleaded before the Hon'ble High Court, have been pleaded herein, except for the submissions made, to meet the contentions raised by the Petitioner in the present Special Leave Petition.

27. That I state that the facts stated herein are true and correct to the best of my knowledge and belief. Legal

submissions are true and correct to the information and advised received and believed to be true.



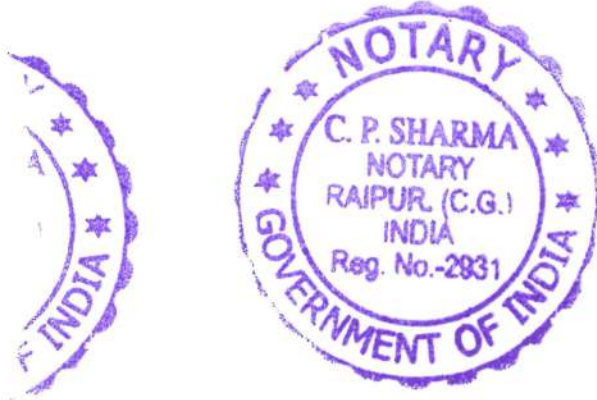
DEPONENT
Alok Shukla

VERIFICATION:

Verified at Raipur on 6th day of November, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material has been suppressed and concealed therefrom.




DEPONENT
Alok Shukla




Notary Register No. 1397
Page No. 21 Date: 6 NOV 2024

LEMONY AFFIRMED BEFORE
ME WITHIN NAMED DEPONENT


C. P. SHARMA
NOTARY
RAIPUR. (C.G.) INDIA
Reg. No -2931
- 6 NOV 2024

IDENTIFYING WITNESS


भोजशम साहू
पिता श्री मंगलशम साहू
ग्राम - बिमारी
पो. फिरोजपुर
तह. राजिम
जिला - गरीयाबाद (छ.ग.)