

ADVERTISEMENT

News / Cities / Delhi / AAP to be named co-accused in excise policy case in next chargesheet: ED to Delhi HC

AAP to be named co-accused in excise policy case in next chargesheet: ED to Delhi HC

The submission was made by the ED counsel while the High Court was hearing former deputy chief minister Manish Sisodia's bail petition in the money laundering case pertaining to the excise policy.

Written by **Malavika Prasad** [Follow](#)

New Delhi | Updated: May 15, 2024 00:58 IST





EXPRESS EXPI


 What are Ind
Chabhar po

Delhi CM Arvind Kejriwal waves and addresses at party supporters after coming out on bail from Tihar Jail in New Delhi . (Express photo by Chitral Khambhati)

Opposing the bail plea of Manish Sisodia, senior AAP leader and former Deputy Chief Minister who was arrested more than a year ago in the Delhi excise policy case, the Enforcement Directorate told the Delhi High Court Tuesday that it will be making Aam Aadmi Party an accused in the case in its next prosecution complaint regarding alleged money laundering.

On October 4 last year, the Supreme Court, while hearing Sisodia's bail petition, had asked the ED as well as the CBI why it had not made the party that allegedly received the proceeds of the crime an accused.

On Tuesday, the High Court was hearing Sisodia's bail pleas moved in both the ED and CBI investigations relating to the excise policy.

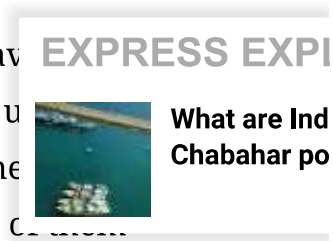
Appearing for the ED before the single-judge bench of Justice Swarana Kanta Sharma, Advocate Zoheb Hossain opposed Sisodia's argument about the delay in proceedings by the ED.

Hossain said the trial court, given that it is "seized of the matter, hearing it on a day-to-day basis", would be the "best judge" of deciding whether there has been a delay

or not.


Referring to the applications filed, Hossain said, “Almost 95 applications have been filed by 31 accused persons... only piecemeal applications... seeking list of unrelayed documents, inspection of documents, CCTV footage and similar reliefs... The predecessor judge in the trial court, the present judge in the trial court, all commissioners had to make observations against multiple accused persons and imposed costs saying that they were delaying the proceedings. These applications have been disposed of, considered over a period of time; a list of unrelayed documents given and inspection was also granted.”

“From the last two months, the accused (persons) have also been conducting inspections and seeking extension from time to time. This is without prejudice to our (ED’s) submission that at this stage prior to commencement of trial, prior to framing of charges there is no legal right to seek documents to seek inspection as settled by the Supreme Court,” he said.



ADVERTISEMENT

Ad
Kural Vista



Ultra-Luxury Signature Villa
Beachfront luxury living at Kural Vista, Palm Jumeirah

alpagoproperties.com

EXPLAINED

Why this will be a first

The ED's allegation is that AAP was the recipient of the proceeds of crime in the excise case which presents a ground for naming the party as an accused in the money laundering case. While political parties are booked for tax violations, if AAP is named an accused under PMLA, it would be the first instance of a political party being accused of money laundering.

EXPRESS EXPI



What are Ind
Chabhar po

He said there were more than “250 petitions filed in the Delhi excise case despite there being only 17 arrests”.

“Accused No. 31 who has made a request very recently saying ‘I have not inspected 1,600 out of 1,700 documents’... Accused no 31 comes forward and says that in the last two months he has inspected only 100 documents. Accused 31 is the spokesperson of this political party which is also going to be made an accused in the next prosecution complaint,” Hossain said.

He said there was a “concerted effort on part of the other accused persons to not let arguments on charge to commence, because delay in commencement on charge favours the present applicant” (Sisodia).

He also referred to the Supreme Court's October 30, 2023 order dismissing Sisodia's bail plea where the apex court had said that the prosecution had assured that it shall “conclude the trial by taking appropriate steps within next six to eight months”. The SC had said that Sisodia could file a fresh bail application if there was a “change in circumstances” or if the “trial was protracted and proceeds at a snail's pace in the next three months”.

Hossain said that the apex court had said that if the trial is protracted, Sisodia's right to file bail application was revived, “which would be considered on merits” uninfluenced by dismissal of earlier bail pleas or the Supreme Court order.

“But it can't be that bail application is argued like a limitation matter that there is delay, therefore give me bail,” Hossain said, adding that some meaning should be

given to the use of the term merits and that the SC's observation was "not an automatic way to get bail merely because time had been taken to commence trial"

Meanwhile, Senior Advocate Dayan Krishnan, appearing for Sisodia, said "there had been absolutely no progress in the case".

"The investigation is still going on. We have not even reached the stage of trial," he said.

On the trial court's view referring to a concerted effort in delaying the trial by the accused, Krishnan said, "Where does the trial court get that we are sitting together in Tihar and conspiring to delay the trial?"

On the CBI case, Senior Advocate Mohit Mathur, also appearing for Sisodia, said, "Nowhere had it been shown how the applications filed had delayed the trial. I don't know how the applicant (Sisodia) seeking permission to meet his ailing wife in custody parole... how does that delay the trial? All of this was allowed. But how does it affect or contribute to the delay?"

Mathur also submitted that post Sisodia's bail dismissal by the Supreme Court, it had granted some kind of relief — "not a clean chit" — to three persons: Benoy Babu, Sanjay Singh in the ED case and Delhi CM [Arvind Kejriwal](#).

"Sanjay Singh in the ED case had a specific allegation of receiving 2 crore, he was granted bail... Mr Kejriwal again (was granted interim bail)... So there is no threat as far as my running away is concerned... I have been in custody for 14.5 months. No answer yet... it (SC's October 30, 2023 order) says that they (prosecution) shall take appropriate steps in the next 6-8 months. Nobody is talking about what steps they have taken. They (prosecution) say you have contributed," he said.

After hearing arguments from the two probe agencies as well as the senior counsel appearing for Sisodia, the High Court reserved its verdict.

© IE Online Media Services Pvt Ltd

First uploaded on: 14-05-2024 at 15:29 IST

EXPRESS EXPI



What are Ind
Chabhar po