

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3709

ANSWERED ON:18.04.2000

HAWALA CASE

AJAY CHAKRABORTY;CHANDRESH PATEL KORDIA;INDRAJIT GUPTA;MINATI SEN;RUPCHAND PAL;SUKDEO PASWAN;SUSHIL KUMAR INDORA

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the designated court had discharged all accused in the Jain Hawala case;
- (b) if so, the details in this regard;
- (c) whether it is proposed to probe the case afresh in view of new evidences/facts surfacing in this regard; and
- (d) if so, the details thereof ?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI I.D.SWAMI)

(a)&(b): The designated court had framed charges against some of the accused persons but some were discharged by the Delhi High Court. This was agitated before the Supreme Court of India,. The Supreme Court of India, in its judgement dated 2.3.1998, held that even though the entries recorded in one of the diaries seized by the CBI from the Jains were admissible u/s 34 of the Indian Evidence Act, yet those were not sufficient to charge the alleged recipients unless there was independent evidence to prove the receipt of the said amounts by them. The court of Special Judge, Delhi High Court and the Supreme Court of India, while examining the relevant charge-sheets filed in the said Hawala Case, during the course of trial/revision/appeal, did not find any such independent evidence to prove receipt of the amounts recorded in the diary against the names of the alleged recipients and, therefore, discharged all the accused persons in the said case.

(c)&(d): No new evidence/facts has/have surfaced warranting a fresh probe.