

## News

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**In a case involving disproportionate assets, the Delhi High Court overturns the conviction of an ex-Army officer due to a hurried trial.**



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## Delhi High Court

In a case involving disproportionate assets, retired Major General Anand Kumar Kapur's conviction was overturned by the Delhi High Court on Wednesday.

According to Judge Jasmeet Singh, Kapur was not given a fair chance to prove his case and the trial was hurried.

According to the Court, "non-application of mind" also harmed Kapur's prosecution's sentence.

The Court decided that the current appeals should be granted only on the grounds that the sanction decision is unconstitutional and that the appellant [Kapur] was not given a fair chance to present evidence.

### Jasmeet Singh, Justice

**The Central Bureau of Investigation (CBI)** accused Kapur of accumulating assets during his time in the Indian Army that were out of proportion to his known sources of income.

He was found guilty in **2016 under the Prevention of Corruption Act by a trial court, which also ordered the confiscation of assets valued at ₹2.22 crore, a fine of ₹50,000, and a year of harsh jail.**

Kapur claimed before the High Court that the prosecution's punishment was unlawful, the investigation was faulty, and he was not given a fair trial since the trial court had closed his defense evidence when attorneys were on strike.

Only four of his nine defense witnesses, he claimed, had been questioned before the chance to present additional evidence was taken away.

The CBI supported the verdict, arguing that the accused was given a fair trial and that the trial court was following the **Supreme Court's order to wrap up the case by September 2016.**

**But according to Justice Singh, procedural deadlines cannot take precedence over the fundamental requirement of a fair trial under Article 21 of the Indian Constitution,** even though the trial court's urgency to follow the Supreme Court's orders was reasonable and

legitimate.

The High Court emphasized that accusations of corruption against public employees are grave and ought to be handled severely. However, convictions are only possible after a trial in which the accused's right to a defense is completely protected.

Anand Kumar Kapur was represented by senior counsel Vivek Kohli along with advocates Shashank Dewan, Nikita Dewan, Ayush Kumar, and Manan Kesar.

**The CBI was represented by attorney Changez Khan and Special Public Prosecutor (SPP) Rajesh Kumar.**

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