
(2008) 01 DEL CK 0048
In the Delhi High Court
Case No : Criminal M.C. 4413 of 2006

Puran Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 17-01-2008

Acts Referred:

Citation : (2008) 01 DEL CK 0048

Hon'ble Judges : Dr. S. Muralidhar, J

Bench : Single Bench

Advocate : Anita Sharma, Adv Pawan Behl, AP Harish Gulati, for the Appellant;

Final Decision : Dismissed

Judgement

S. Muralidhar, J.—This writ petition was initially filed under Article 226 seeking the following reliefs:

(a) issue a writ, order or direction in the nature of mandamus directing Respondent No. 1 to constitute an independent special investigating team of Delhi Police or Central Vigilance Commission for

(i) further investigation of case FIR No. 878/00 dated 8.12.2000, P.S. Kalkaji, New Delhi, corresponding to RC SIB 2003 E0002 dated 29.9.2003 registered by CBI, to expose the fake stamps scam and book all the persons involved in the crime;

(ii) unearthing the printing press involved in the crime;

(iii) preparing and forwarding the charge sheets against all the accused arrested by the Petitioner on the basis of evidence already collected and by collecting any other fresh evidence to connect the accused with the crime and

(iv) investigating other aspects of the case.

(b) pass such other or further order (s) as this Hon"ble Court may deem fit and proper in the facts and circumstances of the case.

2. For some time, it was treated as a public interest litigation but thereafter on 18th July 2006, the Division Bench of this Court passed the following order:

WP(Crl) 2103/2005

Counsel appearing for the parties agree and we also feel that this is not a petition which should be treated as a public interest litigation. The subject matter of this petition should be treated to be a petition u/s 482 CrPC read with Article 226 of the Constitution of India. It would however be open to the respondents to argue that this is not even a petition which could be filed under Article 226 of the Constitution.

Be listed before the appropriate Bench for considering the matter on 4th August, 2006, after obtaining orders of Hon''ble the Acting Chief Justice.

3. The background to this case is that on 8th December 2000 one Shri Prahlad Singh was caught red-handed while supplying counterfeiting government stamps of foreign bills worth Rs. 1 lakh to Ranbaxy Lab Ltd. During investigations, fake stamps worth Rs. 18,48,300/- were seized at his insistence. Shri Prahlad Singh disclosed that he had been working for one Shri Narendra Singh, Proprietor of M/s Blue Star Services and that the fake stamps were being supplied by one Shri Hemant Dubey s/o Shri Surya Kant Dubey of Bombay. On his arrest and interrogation, Shri Narendra Singh disclosed that his proprietary firm M/s Blue Star Services dealt in the supply of stamp for the purposes of share transfer, insurance etc., and that the said stamps were supplied by Shri Hemant Surya Kant Dubey, Shri Subash and one Smt. Rupali of Mumbai. Hemant Dubey was arrested by the Crime Branch, Police Station Thane Nagar on 21st May 2001 in FIR No. 131/2000. The fake stamp paper scam which came to be assigned to the Central Bureau of Investigation (CBI) by the Hon''ble Supreme Court after it transpired that the principal accused Shri Abdul Karim Telgi ('`Telgi'') had an extensive network which had inter-state ramifications.

4. The Petitioner Shri Puran Singh, a Delhi Police Inspector, was arraigned as an accused after it was found that he was acting in furtherance of a criminal conspiracy with Telgi, Inspector Gaurav Aggarwal, SI and other Delhi Police officers. According to the prosecution, these officers used their official position to help the principal accused Telgi in his network of printing and sale of counterfeit government stamps. It is alleged that the Petitioner here Shri Puran Singh was a close associate and became part of the fake stamps network of Delhi. As a member of the Telgi group has helped in effecting fabricated seizures and preparing many fabricated documents to falsely implicate business rivals of Telgi. For this purpose FIR No. 878/2000 was registered at Police Station Kalkaji and was got investigated by the petitioner herein. The case was ultimately transferred to CBI. The investigation in FIR No. 878/2000 brought to light facts pertaining to the preparation of fabricated documents and fabricated seizures by the petitioner and his team members. The demands of bribe by Shri Puran Singh also came to light. On this basis, a separate case was registered against Shri

Puran Singh, Gaurav Aggarwal and Telgi on 20th February 2004 On 22nd February 2004 the first FIR was registered, and the Petitioner was arrested on 21st February 2004

5. A charge sheet was also filed against Shri Narender Singh and Shri Prahlad Singh on 1st February 2005 in the Court of the learned Metropolitan Magistrate Special Cases, Patiala House, New Delhi. During the investigation, further samples of fake stamps were seized, and got examined from the India Security Press, Nashik. It is stated that investigation pertaining to the accused Shri Narender Singh and M/s Blue Star Services, New Delhi, Shri Hemant Dubey of Bombay was still underway, and a supplementary charge sheet was expected to be filed. The charge sheet dated 31st January 2005 along with the documents and statements have been placed on record. It shows the involvement of Shri Puran Singh in implicating the business rivals of Telgi in false cases. The present petition was filed on 9th December 2005.

6. Given the above background, and the steps taken by the CBI, this Court is of the view that the prayer made by the petitioner here for issuing directions to further investigation of the case is without merit. That question can be decided at the appropriate stage by the trial court. Importantly, if a closure report is filed or even otherwise, any party can approach the learned MM in terms of Section 173(8) Cr. PC demanding further investigation.

7. In the charge sheet that has been filed, the respondent has indicated as under:

Investigation also revealed that accused Narender Singh in conspiracy with accused Prahlad, Hemant Dubey of Mumbai and others was running a parallel network of fake stamps in Delhi as that of accused Abdul Karim Telgi. Stamps worth lacs of rupees have been supplied by M/s Blue Star Services owned by accused Narender Singh to different companies of Delhi and Noida etc which have since been surrendered/seized by CBI in RC 1/2004-EOU V and RC 2/2004-EOU V. The same are being taken on record of this case for the purpose of investigation and will be sent to ISP, Nashik Road for opinion on the genuineness and source of printing etc. which is likely to take quite some time and further investigation in terms of Section 173(8) Cr. PC has to be continued with regard to this aspect, which would also establish the facts relating to the participation of Hemant Dubey in the conspiracy.

8. The learned counsel for the petitioner reiterated time and again that despite the involvement of Shri Hemant Dubey, the CBI was not performing its task properly. It may be straightway seen that subsequently the CBI has filed a supplementary charge sheet which indicates that it has not closed the investigation as regards Shri Hemant Dubey. It has been pointed out by Mr. Harish Gulati, the learned counsel appearing for the CBI that Puran Singh is himself a prime accused, and there are three criminal cases against him. The present writ petition is clearly mala fide and an abuse of process of law, and it has been filed in response to the cases registered against him. He in fact draws

attention to the list of witnesses for the prosecution in the earlier case which includes the petitioner here as well as Shri Hemant Dubey. He points out that this, Therefore, cannot constitute a valid ground for interference by this Court.

9. The counsel for the Petitioner was unable to explain whether the petitioner had the locus standi to file this petition. Considering that the petitioner himself is facing criminal charges arising out of the fake stamp paper scam, the contention of the CBI that the present petition is an afterthought, filed long after the release of the petitioner on bail in the case against him, is not without merit.

10. The list of witnesses filed includes the petitioner as well as Shri Hemant Dubey. It is, Therefore, futile to contend that the CBI is not serious in its investigation or is proceeding against the petitioner mala fide. It is not understood as to how the petitioner, who is one of the co-accused, can seek the re-investigation of the case in terms of the Section 173(8) Cr. PC. Further the CBI having investigated the matter, and forming an opinion that no case yet has been brought about against Shri Hemant Dubey, this Court cannot possibly sit in appeal over such opinion and direct further investigation notwithstanding such opinion at this stage.

11. This Court is of the considered view that no case has been made out by the petitioner for grant of the relief as prayed for.

12. Dismissed.