(1996) 05 DEL CK 0069

In the Delhi High Court

Case No : Civil Writ Appeal No. 789 of 1996

Rashtriya Mukti Morcha APPELLANT

Vs

Suraj Mandal RESPONDENT

Date of Decision : 24-05-1996

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 154

Citation : (1996) 3 AD 481 : (1996) 38 DRJ 250

Hon'ble Judges : Y.K. Sabharwal, J;D.K. Jain, J

Bench : Division Bench

Advocate : P.N. Lekhi, Vijay Chaudhary, Ravindra Kumar, A.M. Singhvi, Prem Pankaj, S. Lal and Madan Lokur, for the Appellant;

Judgement

Y.K. Sabharwal, J.

(1) On 26th July 1993 motion of No confidence was moved against the Government headed by the Congress Party. Since the effective strength of the 10th Lok Sabha at that time was 528 Congress Party needed 265 votes to defeat the Motion of No Confidence but had 250 members in the House. When the votes on No Confidence Motion were cast on 28th July 1993, the motion was defeated by 265 votes against and 251 in favour. Briefly stated the case of the petitioner, as set out in the writ petition is:

(2) The result of defeating Motion of No Confidence was achieved by Congress Party by indulging in political horse trading and violation of Constitutional morality. The whisker majority of one (264 4- 1) in the 10th Lok Sabha was manipulated by Sh.P.V.Narsimha Rao, President of Congress(I) who was also the Prime Minister and for this purpose he was responsible to offer bribes and utilised the monies he had collected by offering inducements .These bribes helped Sh.Rao to muster whisker majority of one vote to defeat the No-Confidence motion. Shri Suraj Mandal; a member of Lok Sabha who is Respondent No. 1 before us, was one such member who was paid handsomely to switch over his

support in favor of Congress. The other members of the opposition who voted to defeat the No Confidence motion included Sh.Simon Mirand, Shalender Mehto and Shibu Soren, all members of Lok Sabha belonging to Jharkhand Mukti Morcha and Sh.Govinda Chandra Munda and Gulam Mohd.Khan, members of Parliament (Janta Dal-A) who had earlier defected and were declared disqualified but their disqualification was stayed by this court. The petitioner to illustrate that bribe was offered has been able to collect credible information regarding one of the bank accounts of Respondent No.l, who is one of the four members of Jharkhand Mukti Morcha, a regional political party of Bihar, who voted against the No Confidence motion. That credible information is a Saving Bank account No. 17108 maintained by Respondent No.1 with Punjab National Bank, Naroji Nagar Branch, New Delhi. The address i.e. M-12, Green Park, New Delhi, given to the bank by respondent No.1 is false. The entries in the said account showing deposit of huge amounts in cash have been set out in petition. The crucial entry in that account is of Rs.30,00,000.00 which was deposited in cash on 1st August 1993, a date proximate in lime to the date when Respondent No.1 split from Jharkhand Mukti Morcha (along with 3 others) to enable him and his other detectors to swell support in the 10th Lok Sabha in opposition to the No Confidence motion. Respondent No.1 is neither gainfully employed nor connected with any business to enable him to earn a wind fall of three million rupees and that he has not received this amount by inheritance or under any bequest and it is a bumper for the fall from constitutional morality, wages of political sin, which is an offence under Penal Code and Prevention of Corruption Act and if the primary source of this money is traced, offence under Foreign Contribution Regulation Act, 1978 is also made out. The statement of one Sh.S.K.Jain recorded u/s 161 Cr.P.C. has been reproduced in the petition, interalia, staling that he expected some works in the plant (at Rourkela) to be given to him and in that expectation he agreed to pay Rs.3 crores; these payments were required for the purposes of effecting defections of some Members of Parliament in support of the Congress Party which was being planned during those days by Satish Sharma and Chandraswamy.

(3) The petitioner has also alleged that this petition has nothing to do with Hawala. The petitioner further says that the history of Hawala case (the present one is not based on Jain diaries) shows that Cbi has done its worst in ensuring a cover up on the involvement of persons described in the diaries and unless supervision of the court is imposed, the Cbi is sure to play all the tricks to bail out Sh.Rao.

(4) The further case of the petitioner is that on 1st February 1996 it lodged a complaint with Central Bureau of Investigation. A photostat copy of the said complaint has been annexed with the petition. The said complaint, interalia, sets out the details of the bank account referred to above, opened by Sh.Suraj Mandal in Punjab National Bank. The complaint further states that immediately when Sh.P.V.Narsimha Rao''s government was facing ''No Confidence Motion'' in the House of People, a criminal conspiracy with the common intention and object

was hatched by Sh.Rao, Sh.V.C.Shukla, Sh.R.K.Dhawan, Capt.Satish Sharma, Sh.Ajit Singh, Sh.Bhajan Lal and Sh.Lalit Suri to prove majority on the floor of the House on 28th July 1993. The complaint further states that the said named persons started horse trading of Members of Parliament by giving them and bribing huge amount of over Rs.3 crores to the Members of Parliament of different political parties - individuals and groups and succeeded in their nefarious designs to win over 4 Members of Parliament belonging to Jharkhand Mukti Morcha and Sh.Suraj Mandal was one of them who defected and joined illegal hands with the Government headed by Sh.Rao. It has been further alleged that on 28th July 1993 about Rs.l,10,00,000.00 was handed over to Sh.Suraj Mandal and part of the said amount amounting to Rs. 30 lakhs was deposited by Sh.Suraj Mandal in Saving Bank Account on 1st August 1993 with the Punjab National Bank. Along with the complaint photocopies and statement of account were annexed. The complainant also refers to an earlier similar complaint dated 1st January 1996. A request was thus made to Cbi for independent investigation being held and the accused persons be prosecuted under the provisions of law. The petitioner has alleged that Cbi has not started investigations and has not even asked the petitioner to get the statement recorded.

(5) The petitioner, under the circumstances, prays that it be declared that Cbi has so far failed to perform its statutory duty of investigation and has launched cover up operation for the protection of Sh.Rao and has dismally failed to conduct investigations in the manner laid down in the Vigilance Manual and further it be declared that Sh.Suraj Mandal received bribes from or at the instance of Sh.Rao for switching over support to Congress(l) during the vote on No Confidence Motion. The petitioner has further prayed for issue of order, directions or writ in the nature of writ of mandamus directing investigation into the statement of Sh.S.K.Jain, referred to in Para 25 of the petition and to register regular case on the complaint dated 1st February 1996 lodged by the petitioner and investigation to be conducted under the supervision of this court.

(6) At this stage, however ,the main question which falls for our determination is whether regular case has been registered on the complaint of the petitioner dated 1st February 1996. What is the purport of the regular case which has been registered by Cbi during the pendency of this petition ? If regular case on the basis of complaint dated 1st February 1996 has not been registered, has the petitioner made out a case for issue of directions to Cbi to register a regular case on the basis of the complaint of the petitioner dated 1st February 1996. Firstly, it would be useful to notice briefly how the petition proceeded from stage to stage in this court.

(7) On 22nd February 1996 this court directed that notice be issued to Cbi and Union of India to show cause why investigation has not been conducted in regard to the source of huge amount deposited by Sh.Suraj Mandal in cash in Saving Bank Account No.17108 in Punjab National Bank, Naroji Nagar Branch, New Delhi, and on this limited question notice be also issued to Sh.Suraj Mandal.

(8) On 18th March 1996 learned Additional Solicitor General submitted before us that Preliminary Enquiry (PE) has not been registered and only a complaint has been registered in the Complaint Register and it is being verified. The reference to the complaint is necessarily to complaint of petitioner dated 1st February 1996. Learned Additional Solicitor General further submitted that, as at present, it cannot be said that this case relates to hawala matter and that Cbi would be in a position to make up its mind after completion of verification.

(9) On 20th March 1996 learned Additional Solicitor General submitted that Cbi is on the eve of registering a regular case and is going to commence the investigation. Here again reference is obviously to registration of regular case and commencement of investigation on the basis of complaint dated 1st February 1996. In this view we directed on 20th March 1996 that at this stage we would not like to make any comment but would only note that considering the nature of the case, investigation cannot brook any delay whatsoever and expressed the hope that Cbi would try to complete the investigation in approximately one week.

(10) On 27th March 1996 on submissions made by learned Additional Solicitor General it was noticed that regular case for offences punishable u/s 13(2) read with Section 13(l)(d)(iii) of Prevention of Corruption Act, 1988 have been registered against Sh.Suraj Mandal and 3 others, namely, Sh.Sibu Soren, Sh.Simon Marandi and Sh.Shailendra Mehta, Members of Lok Sabha. Once again we were not informed that the regular case that had been registered was not on the complaint of petitioner dated 1st February 1996 and, therefore ,after noticing the submission of learned Additional Solicitor General that investigation is going on and it is likely to lake considerable time - may be six months, we again reiterated that considering the nature of the case all efforts should be made to expedite the investigation.

(11) On 12th April 1996 after noticing the submission of learned counsel for the petitioner and Sh.Suraj Mandal, we directed Cbi to supply copy of Fir registered and referred to in our order dated 27th March 1996.

(12) We may also notice that in reply dated 29th February 1996 filed on behalf of Cbi, it was, interalia, stated that soon after the receipt of the complaint dated 1st February 1996 Cbi has started preliminary verification of the allegations and has secured information through sources to the effect that Saving Bank Account as mentioned in the complaint exists in Punjab National Bank, Naroji Nagar branch in the name of Sh.Suraj Mandal and further verification as to the source of these funds is continuing and after completing the said verification action would be taken as per law. Now we would notice the stage at which it came to the notice of this court as to what regular case was registered by CBI.

(13) SH.RAVINDER Kumar, President of the petitioner in his affidavit dated 22nd April 1996, interalia submitted that perusal of the four copies of RCs supplied by Cbi shows that Cbi is acting malafide by making a mockery of investigation and its effort is to misdirect and mislead this court. The copies of these RC''s were

supplied by Cbi to the petitioner pursuant to our directions dated 12th April 1996. The affidavit says that a bare perusal of the said RCs would show that there is total commission of facts alleged in the complaint made to CBI. It has been submitted that investigation must search for material and facts in order to Find out whether or not an offence has been committed but RCs show total absence of such intention particularly in view of the total commission in RCs of the facts as alleged in the complaint made to CBI. It has further been alleged that Cbi has purposely avoided performance of its statutory duties with a view to shield the persons in authority and power.

(14) The affidavit further says that according to Vigilance Manual or according to the prayer made in the writ petition and also according to the accepted practice of Police force, the complaint should have been reduced as a text of the regular case. It further says that in the matters where issue is deep rooted conspiracy to commit offence of bribery the standard of proof, unlike other criminal offences is not proof beyond reasonable doubt but preponderance of probabilities. We, however ,feel that this is not the stage to go into such a question. The petitioner further says that despite sufficient material being placed before Cbi to record an honest regular case, Cbi would have succeeded in misleading this court with a perfunctory exercise, aimed not for conducting proper investigation but with an eye to close it, had this court not ordered supply of copies of RCs.

(15) Under the aforesaid circumstances, the petitioner has prayed for registration of regular case on the basis of his complaint dated 1st February 1996.

(16) At this stage it deserves to be noticed that for existence of democracy and rule of law, which is life and blood of Constitution of India, probity in public life has to be maintained at every cost, whosoever may be the casualty and irrespective of height and might of person or his office. We may also notice that exercise of registration of a regular case / First Information Report u/s 154 Cr.P.C. is not an idle formality.

(17) According to the petitioner the exercise undertaken by Cbi in the present case in registering the Rc is not only an idle formality to mislead the petitioner and this court but that has been done with specific and deliberate intention to protect the persons in authority and power. The petitioner submits that the regular case/FIR which has been registered by Cbi is unrelated to complaint dated 1st February 1996. It is not in consonance with Section 154 Cr.P.C. According to the petitioner it is the statutory duty of the Cbi to register a case in accordance with law on the basis of its complaint dated 1st February 1996.

(18) Against the column wherein name of complainant or informant with address is required to be given in First Information Report, the Cbi has stated ''source'' information. Why not Complainant ? We do not know. This Fir registered u/s 13(2) read with Section 13(l)(d)(iii) of the Act is a short document which reads: Information

"INFORMATION has been received that Shri Suraj Mandal was elected as Member of Parliament to the Lok Sabha in 1991. He while holding office as Public Servant in his capacity as Member of Parliament (Lok Sabha) during 1993 obtained pecuniary advantage to the extent of Rs.30 lakhs from some unknown source without any public interest and deposited the said amount in his Saving Fund Account No.l7108 in Punjab National Bank, Naroji Nagar, New Delhi on 1.8.1993. The above facts constitute offence punishable u/s 13(2) r/w 13(l)(d)(iii) of Prevention of Corruption Act, 1988 (Act 49 of 1988). Therefore, a Regular Case is registered and entrusted to Shri G.N.Gupta, Dsp, Cbi, ACU.VIII, New Delhi for investigation."

(19) None of the facts of which information was given to Cbi in the complaint dated 1st February 1996 find any mention in the FIR. Why it is so-no answer was given by the CBI. The Cbi did not even attempt to give an answer much less plausible answer even in written submissions filed before us.

(20) Since Fir has been registered u/s 13, it may be useful, for facility of reference, to reproduce Section 13 of the Act as under:

"13.Criminal misconduct by a public servant- (1) A public servant is said to commit the offence of criminal misconduct - (a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in Section 7; or (b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or (c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or (d) if he, - (i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or (ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or (iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or (e) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income. Explanation - For the purposes of this section, "known sources of income" means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant. (2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one -year but which may extend to seven years and shall also be. liable to fine."

(21) Learned counsel for the parties also made submissions on the question whether Sub Clause (iii) of Section 13(1)(d) would cover a case where it is alleged that pecuniary consideration is received by accused for himself. According to Cbi clause (d) (iii) would cover such a case. According to petitioner it would not be covered in view of the absence of the word ''for himself in Sub-Clause (iii) of Clause (d), unlike the use of the word ''for himself in Sub Clauses (i) and (ii) and other parts of Section 13. At this stage we express no opinion on this aspect since in our view it is not necessary for determination of the question which we are presently considering. We may, however, notice that a perusal of the file of Cbi shows that decision had first been taken to register a case u/s 13(l)(d) but later at some stage after the draft Fir had been prepared it was decided to incorporate clause (iii) after Section 13(l)(d). Who did it ? With what intention it was done ? These questions, for the present, we leave open without expressing our opinion at this stage so that it may not cause any prejudice to the accused or hamper the investigation.

(22) Before dealing with the question which falls for our determination, we may first consider the objection raised by Cbi and Respondent No.1 to the maintainability of this petition in this court in view of the order of the Supreme Court dated 22nd February 1996 in the case of Vineet Narain and others. We have perused the said order. In our considered view there is no substance in the objection raised about the maintainability of the writ petition. In the writ petition it has been alleged that this petition has nothing to do with hawala. Insofar as Cbi is concerned, it was submitted before us on 18th March 1996 that as at present it cannot be said that this case relates to hawala matter and that Cbi may be in a position to make up its mind after completion of verification. Thereafter, till date it has not been submitted before us by Cbi that now after verification it is in a position to say that the case relates to hawala. Although the petitioner has also made allegations as to the source of amount which was alleged to have been given as bribe to Respondent No. 1, but the gravamen of accusation of the.'' petitioner is that huge amounts were paid as bribery with a view to buy votes to ensure that No Confidence Motion moved against the Government is defeated and the petitioner has given details of huge amounts deposited in cash in Bank account by Respondent No. 1 proximate in point of lime with the date of vote on No Confidence Motion.

(23) In view of the aforesaid, it is not possible to accept the submission that the writ petition in this court is not maintainable in view of the order of Supreme Court dated 22nd February 1996 in the case of Vineet Narain and others. Thus, the objection about the maintainability of the writ petition is rejected.

(24) Reverting now to the main question which falls for our determination, we have to see as to what are the allegations in the complaint dated 1st February 1996 and what is stated in the FIR. The Fir has already been reproduced earlier.

We have also noticed hereinbefore in brief as to what is the complaint of the petitioner dated 1st February 1996.

(25) The Supreme Court in the case of State of Haryana and others Vs. Ch. Bhajan Lal and another Shri S.A. Khan, , has laid down the law regarding the statutory duly of police to register the Fir and also law relating to power of police to investigate. The recording of the First Information Report in criminal cases is extremely vital and important. At times the non-recording of proper First Information Report can be fatal to the case. If any information disclosing a cognizable offence is laid before an officer in charge of a Police Station satisfying the requirement of Section 154(1) of the Code of Criminal Procedure, the said Police Officer has no other option except to enter the substance thereof in the prescribed form, that is to say, to register a case on the basis of such information. In the present case that information has been furnished in writing in the form of complaint dated 1st February 1996. When a police officer enters on investigation he has to satisfy himself on the basis of allegations mentioned in Fir as to whether these allegations constitute a cognizable offence warranting an investigation. In other words the existence of the reason to suspect the commission of a cognizable offence is a condition precedent to the commencement of the investigation. At this stage we arc not called upon to embark upon an enquiry whether the allegations in the complaint are truthful or not. These matters can be examined only by the concerned court after the entire materials arc placed before it on a thorough investigation. Therefore, at this stage the question of our examining the truth or otherwise of the allegations made in the complaint docs not arise.

(26) It is the paramount duty of a police officer to whom the commission of a cognizable offence is reported, to register a case and promptly commence investigation without perverting or subverting the law. That does not appear to have been done in the present case since what has been registered docs not contain anything of significance from the information contained in the complaint dated 1st February 1996. The Cbi has also not said before us that on verification it has been decided not to register the case on information as contained in complaint of the petitioner. The method of registration of a regular case by Cbi has been provided for in Vigilance Manual, relevant clauses 3.2 and 3.3 whereof read as under:-

"3.2.In cases in which the information available appears to be authentic and definite so as to make out a clear cognisable offence or to have enough substance in it, the Cbi may register a regular case (R.C.) straightaway u/s 154 of the Criminal Procedure Code. (Emphasis has been supplied by us). 3.3. If the available information appears to require verification before formal investigation is taken up, a preliminary enquiry (P.E.) is first made. As soon as the preliminary enquiry reveals that there is substance in the allegations, a regular case may be registered for formal investigation."

(27) In its written submission, Cbi has referred to the decision of Supreme Court

in the case of P.Sirajuddin Vs. State of Madras 1970 Scc (Crl) 240. In the said decision it was held that before a public servant, whatever be his status is publicly charged with acts of dishonesty which amount to serious misdemeanour or misconduct and First Information is lodged against him, there must be some suitable preliminary enquiry into the allegations by a responsible officer. The lodging of such a report against a person who occupies top position in the department, even if baseless, would do incalculable harm not only to him in particular, but also to the department to which he belongs, in general. The Cbi except referring to this decision in the written submissions filed on last date of hearing, has not explained as to how the said decision is applicable to the facts and circumstances of the present case. It is not a case of departmental preliminary enquiry before lodging a FIR.

(28) In the present case, it was for investigating agency to conduct or not a preliminary enquiry as registration of Pe depends upon the facts and circumstances of each case. In one given case the investigating agency may first register Pe before registration of a Regular Case (RC) and in yet another case it may straightaway register RC. It will all depend upon the material placed before the investigating agency. In the present case the Cbi registered a ''RC'' without registering ''PE''. We would at this stage notice the course which was adopted by Cbi on receipt of the complaint dated 1st February 1996.

(29) It seems clear from the material placed before us that on receipt of complaint from the petitioner the Cbi initially did not take any action. When this petition was filed and notice to show cause, as noticed hereinbefore, was issued to respondents including Cbi we were told that preliminary enquiry has not been registered and only a complaint has been registered in the Complaint Register and it is being verified. Two days later we were informed by Cbi that it is on the eve of registering a regular case and going to commence the investigation. That was stated on 20th March 1996. The regular case was registered on 25th March 1996, which is the Fir reproduced above, and we were informed about it on 27th March 1996. It is, therefore ,obvious that after registration of the complaint for verification, the Cbi instead of registering a preliminary enquiry decided to register the regular case. In the regular case which was registered there is neither whisper nor mention of the complaint dated 1st February 1996 nor it mentions any facts stated in the complaint. When this court was informed on 20th March 1996 that Cbi is on the eve of registration of a regular case and again on 27th March 1996 that regular case has been registered, we were not informed further that what has been registered is not on the basis of the complaint dated 1st February 1996. At this stage we may only say that Cbi did not bring to the notice of this court the correct facts in correct prospective.

(30) It would not be appropriate for us to say at this stage that regular case which has been registered discloses or not the commission of offence under the Act. We have, however ,no hesitation in holding that Fir registered is not on the basis of the complaint dated 1st February 1996. -It was not the case before us

that the complaint dated 1st February 1996 does not disclose commission of offence under-the Act or the information does not ''appear to be'' authentic and definite. When Cbi decided to register the Rc without registering a ''PE'' it had to register it on the basis of the complaint dated 1st February 1996 or they could have taken the stand that verification made by them shows that it is not necessary to register the regular case. Nothing of the kind was, however ,done by CBI. The purported registration of ''RC'' being not on the basis of complaint dated 1st February 1996, on the facts and circumstances of the present case, is neither in consonance with the provisions of Vigilance Manual nor Section 154 Cr.P.C. We arc constrained to observe that the manner in which the court was told about the registration of the case was clearly an attempt to mislead and over-reach this court. The court learnt about the registration of the case, as reproduced above, only after 12th April 1996 when Cbi was directed to supply copies of Fir to the petitioner and respondent No. 1 and after that when the petitioner filed affidavit dated 22nd April 1996.

(31) Before issuing directions to Cbi we may reproduce what has been said in the case of Rampal Pithwa Rahidas and others Vs. State of Maharashtra, 1994 Supplement (2) Scc 73. "The quality of a nation''s civilisation can be largely measured by the methods it uses in the enforcement of criminal law." In the present case we feel concerned about the manner in which the Cbi has gone about in the matter of registration of the case while this petition was pending.

(32) Under circumstances as aforesaid, in our view, it is just, fit and proper to direct Cbi to register a regular case on the basis of the complaint of the petitioner. Learned counsel for respondents submitted before us that right of investigation is the function of the investigating agency. We have no doubt or quarrel with this proposition. The process of investigation is initiated with the registration of a Fir u/s 154 of the Code and it culminates in a report u/s 173(2) of the Code which has to be presented before a court competent to take cognizance of an offence. The process of investigation is set into motion upon registration of FIR. The right of the Police to investigate the circumstances of an alleged cognizable offence and its duty to carry out that investigation are codified in various provisions under the Code. These rights and duties of the Police have been recognised in a catena of judgments (Sec: AIR 1945 18 (Privy Council) , Bhajan Lal''s case (supra) and State of Bihar and another Vs.P.P.Sharrna, Ias and another, 1992 Supplement(l) Scc 222). We are in no manner questioning the right of Cbi to investigate. After registration of the case as directed by us, it would be for Cbi to investigate the matter in accordance with law. After investigation is complete the Cbj would proceed in the manner provided in Section 173 of the Code of Criminal Procedure by either filing charge sheet or a report disclosing that no case has been established.

(33) We have noticed in the earlier part of this judgment that the petitioner has sought a declaration to the effect that Sh.Suraj Mandal received bribe from or at the instance of Sh.P.V.Narsimha Rao for switching over support to Congress(I)

during the vote on No Confidence Motion, Such declarations cannot be given in these proceedings, particularly, at this stage. If at all this would be the last stage after completion of investigation, filing of charge sheet, if any, conclusion of the trial in a criminal court and on pronouncement of the judgment.

(34) Some apprehensions were expressed by learned counsel for Respondent No.1 that any observations made by us may cause prejudice to the rights of his clients. We attach paramount importance to the rights of the accused and Therefore, make it clear that any observations made in this judgment would not have any effect whatsoever on the rights of Respondent No.1 or any other person named or unnamed in the complaint of the petitioner.

(35) Accordingly, we direct Cbi to forthwith register a regular case on the basis of the complaint of the petitioner dated 1st February 1996. Since 20th March 1996 we have been noticing in our order that considering the nature of the case investigation cannot brook any delay. We reiterate it again with the hope that Cbi would expedite and promptly complete the investigation. After completion of the investigation, it will proceed in the matter in accordance with law.

(36) List the matter for further proceedings on 2nd August 1996.

