

(2005) 11 DEL CK 0051

In the Delhi High Court

Case No : Criminal M.C. 5837 of 2005 and CRLMA 11496-97 of 2005

Sh. Syed Ashraf

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 23-11-2005

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 417, 468, 469, 471

Citation : (2006) 126 DLT 100 : (2006) 86 DRJ 110

Hon'ble Judges : J.P. Singh, J

Bench : Single Bench

Advocate : H.R. Khan Suhel and V.S. Rawat, for the Appellant; Harish Gulati, for the Respondent

Final Decision : Dismissed

Judgement

J.P. Singh, J.—This petition has been filed u/s 482 of the Code of Criminal Procedure for dropping/quashing proceedings u/s 417/468/469/471 IPC. The case was registered by CBI and charge has been framed by C.M.M., Delhi. The said order of framing charge was challenged in a criminal revision which has been dismissed by the Additional Sessions Judge, Delhi, vide a detailed order dated 7.10.2005.

2. I have heard Shri H.R. Khan Suhel, learned counsel for the petitioner and Shri Harish Gulati, learned counsel for CBI, on the point of admission, and have gone through the impugned order and copies of the documents placed on the file.

3. Briefly the facts are that initially on the basis of source information an FIR was registered u/s 417/468/469 and 471 IPC because some letter dated 26.11.1987 purported to have been written by Shri V.P. Singh, the then Member of the Rajya Sabha on his letter head addressed to the President of India alleging therein the involvement of Shri Arun Kumar Nehru in the Bofors Gun Deal. The letter was got attested by one Smt. Shantha, an Advocate/Notary from Bangalore. Thereafter, Shri V.P. Singh became Prime Minister and late Shri Devi Lal became Deputy

Prime Minister, the matter arose before the Parliament. The photocopy of the said letter was sent to Shri Devi Lal and on receiving the photocopy, letter Shri V.P. Singh said that the letter was a fabricated document and ordered a CBI enquiry into the matter. The letter was found to be forged as at that point of time Shri V.P. Singh was not residing at 28 Lodhi Estate, i.e., the address given on the letter head. Shri V.P. Singh said that no such letter was addressed to the President. Further, it was never received by the Presidential Secretariat.

4. Smt. Shantha, Advocate/Attorney also denied that she had attested any such photostat document. In the petition, there is reference to several other documents and annexures which have been attached with the petition and a detailed history of the case has been given including that earlier a closure report was filed but on reinvestigation, the challen has again been filed without any substantial change in the allegations.

5. By now it is well established that the High Court can interfere under 482 Cr.P.C. when there is a glaring abuse of the process of law but the High Court will not act as an appeal or a revision court u/s 482 Cr.P.C. against every order.

6. The concerned CMM has applied mind and has written a detailed order and has come to the conclusion that there is a prima facie case u/s 417/468/469 and 471 IPC against the accused (petitioner herein). The first revision court has re-examined the matter and as also passed a well reasoned and detailed order.

7. In my view all the annexures and documents attached with the petition cannot be examined in a petition u/s 482 Cr.P.C. These have to be proved and tested at the time of trial after due cross-examination of the witnesses of each side.

8. Considering all the facts and circumstance, I do not find it a fit case for interference u/s 482 Cr.P.C. The petition is, Therefore, dismissed.