
(2025) 12 DEL CK 1890

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 1780 Of 2014 & Criminal Miscellaneous Application No. 5981 Of 2014

South Municipal Corporation

APPELLANT

Vs

Central Bureau Of Investigation

RESPONDENT

Date of Decision : 24-12-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 235
Indian Penal Code, 1860 — Section 120B, 217, 417, 465, 468
Prevention of Corruption Act, 1988 — Section 13(1)(d), 13(2)

Citation : (2025) 12 DEL CK 1890

Hon'ble Judges : Ajay Digpaul, J

Bench : Single Bench

Advocate : Mahinder Acharya, Mukesh Gupta, Farah Shah, Rajesh Kumar, Siddharth Shekhar

Final Decision : Disposed Of

Judgement

Ajay Digpaul, J

1. With the consent of learned counsel appearing for the parties, these six petitions, assailing the correctness of the orders passed by the learned Special Judge (PC Act), Central District, Tis Hazari Courts, Delhi in C.C. No. 92/2011 and five other connected cases arising out of the same RC, are taken up for final disposal by this common judgment.

2. Since all the petitions arise out of identical facts and involve common questions of law, they are being disposed of together to avoid multiplicity of proceedings and the possibility of conflicting decisions.

3. CrI. M.C. No. 1780/2014 is treated as the lead matter for the sake of convenience, and the remaining petitions shall stand disposed of accordingly.

4. By the impugned judgment dated 30.03.2013, the Learned Special Judge acquitted all the accused persons, however, while doing so, directions were

issued to the concerned department to initiate departmental proceedings against the officers of the Municipal Corporation of Delhi "MCD" posted in the relevant area.

5. The principal issue which arises for consideration in the present batch petitions is whether, in the facts and circumstances of the case, the learned Special Judge was justified in issuing directions to the competent authority to initiate departmental proceedings against the concerned Junior Engineers/Assistant Engineers for the alleged failure to take demolition action in respect of unauthorized construction at property no. 19, New Market, Ramesh Nagar, New Delhi.

FACTUAL MATRIX

6. The case arises out of RC No. 1/2007 registered by CBI, EOU-VI, New Delhi on 03.05.2006 for offences under Section 120-B of the Indian Penal Code, 1860 "IPC" read with Sections 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988 "PC Act" and Section 465 IPC, pursuant to a preliminary inquiry ordered in compliance with the directions of this Court dated 20.04.2006 in W.P.(C) No. 4582/2003 titled as Kalyan Sanstha v. Union of India & Ors., the investigation culminated in the filing of multiple chargesheets, including one relating to property No. 19, New Market, Ramesh Nagar, New Delhi, against Mr. Ajay Kumar Shrotirya, JE, MCD and Ms. Seema Verma. Charges were framed under Sections 120-B read with Sections 417/465/468/217 IPC and Sections 13(2) read with 13(1)(d) of the PC Act, and the case was tried as C.C. No. 112/2011.

7. Vide judgment dated 30.03.2013, the learned Special Judge acquitted the accused persons. However, while recording the acquittal, directions were issued to the Commissioner, MCD to initiate departmental proceedings against officers posted in the concerned area after the transfer of the accused official, on the ground of alleged inaction.

8. Pursuant thereto, the Vigilance Department, SDMC appointed a Superintending Engineer to conduct a preliminary inquiry, and further proceedings ensued before the learned Trial Court for compliance of the said directions.

9. Aggrieved thereby, the present petitions have been filed.

10. Ms. Mahinder Acharya, Senior Advocate, along with Mr. Mukesh Gupta, Standing Counsel appearing on behalf of the petitioners contend that the learned Trial Court acted beyond its jurisdiction in directing the Commissioner, MCD to initiate and monitor departmental proceedings against MCD officials while deciding the complaint cases. It is contended that the trial was required to be conducted strictly in accordance with the provisions of the Code of Criminal Procedure, 1973 "CrPC" and the PC Act, neither of which empowers the Trial Court to issue administrative directions or to supervise disciplinary action. The jurisdiction of the learned Trial Court was confined to adjudication of the charges

arising from the CBI chargesheet, and upon pronouncement of judgment of acquittal under Section 235 CrPC, the Trial Court became functus officio.

11. It is further submitted that if the learned Trial Court was dissatisfied with the investigation, the only course open in law was to direct further investigation by the CBI, and not to issue directions to municipal authorities. The impugned directions are, therefore, assailed as being ultra vires, without jurisdiction, and contrary to settled principles of criminal jurisprudence.

12. Per contra, Mr. Rajesh Kumar, learned SPP, appearing on behalf of CBI, submits that there is no infirmity in the impugned finding in the judgment dated 30.03.2013. It is further submitted that the directions issued by the learned Trial Court have already been complied with, and status report has been filed. It is contended that, in view of such compliance, the present petitions have become infructuous. Reliance is placed on the judgment of the Hon'ble Supreme Court in Dayal Singh & Ors. v. State of Uttaranchal (2012) 8 SCC 263, wherein the following has been held:

"47.5. We hold, declare and direct that it shall be appropriate exercise of jurisdiction as well as ensuring just and fair investigation and trial that courts return a specific finding in such cases, upon recording of reasons as to deliberate dereliction of duty, designedly defective investigation, intentional acts of omission and commission prejudicial to the case of the prosecution, in breach of professional standards and investigative requirements of law, during the course of the investigation by the investigating agency, expert witnesses and even the witnesses cited by the prosecution. Further, the Courts would be fully justified in directing the disciplinary authorities to take appropriate disciplinary or other action in accordance with law, whether such officer, expert or employee witness, is in service or has since retired."

13. Heard both the parties and perused the material on record.

14. It is not in dispute that, pursuant to the impugned judgment, disciplinary proceedings were initiated against the concerned officials and they were given fair opportunity to defend their case.

15. A perusal of the impugned orders passed in the batch of petitions reveals that the learned Special Judge, while acquitting the accused persons, proceeded to record observations to the effect that there existed a deeper nexus between builders, their political patrons and officials of the MCD, and on that basis issued directions for initiation of departmental action against the concerned Junior Engineers and Assistant Engineers.

16. This Court is of the considered view that the aforesaid observations of the learned Special Judge, suggesting the existence of a deeper nexus between builders, political functionaries and municipal officials, are wholly unsupported by the findings recorded in the criminal trial, and were neither necessary nor germane for the purpose of adjudicating the criminal culpability of the accused

persons. The learned Trial Court was required to confine itself to the determination of guilt or innocence of the accused arraigned before it. The remarks made against persons who were not accused in the RC case, whether by way of obiter dicta or otherwise, clearly travel beyond the permissible limits of criminal adjudication. Accordingly, the said observations are unwarranted and are hereby expunged. In this regard reliance is placed on In Re: Order of Punjab and Haryana High Court dated 17.07.2024 and Ancillary issues 2024 INSC 594, wherein the Hon'ble Supreme Court has reiterated that judicial officers must exercise due restraint and circumspection while making observations, particularly where such remarks are unnecessary for the decision of the case.

17. It has been fairly submitted by learned counsel for the parties that, notwithstanding the above, action has already been taken against the concerned officers in compliance with the directions issued in the impugned judgment. No further compliance is stated to be required or warranted pursuant to the directions of the learned Special Judge. In this regard, reference may be made to the Status Report filed pursuant to the order dated 15.02.2024 passed by this Court by the Director (Vigilance), Municipal corporation of Delhi. The said Status Report indicates that disciplinary proceedings were initiated against all the officials concerned and have since culminated in imposition of penalties, including dismissal from service, reduction in pay scale, stoppage or withholding of increments, censure or recordable warning, and in certain cases exoneration, in accordance with the orders passed by the competent Disciplinary and Appellate Authorities.

18. It was thus submitted, and not disputed, that the disciplinary action against the concerned officials stands concluded in compliance with the earlier judicial directions and that nothing further survives for consideration as on that aspect.

19. Learned counsel for the petitioner sought to distinguish the judgment of Dayal Singh (supra) by contending that the directions therein were issued against the investigating officer who conducted the investigation and the doctor who performed the post-mortem examination, and that such directions were justified as the said officers were directly connected with the investigation, irrespective of whether they continued in service or had retired. It was argued that, in the present case, the directions issued by the learned Special Judge were not against any person or employee who was associated with the investigation of the case at any stage, and therefore did not pertain to any aspect of the investigation process.

20. This submission, however, does not merit acceptance. A careful reading of paragraph 47.5 of the judgment in Dayal Singh (supra), when examined in conjunction with the impugned judgment, demonstrates that the directions contemplated therein are referable to persons whose conduct bears a nexus with the subject matter of the proceedings before the Court. In the present case, the impugned directions have been issued specifically in respect of Junior Engineers and Assistant Engineers, who constitute a clearly identifiable and definite class of

officials.

21. In view of the admitted position that the directions issued by the learned Special Judge have already been complied with by the petitioners, no further adjudication survives in the present batch of petitions.

22. In the aforesaid circumstance, and having regard to the Status Report dated 15.05.2024 placed on record, nothing survives before the learned Special Judge. The proceedings shall be treated as closed.

23. Before parting with the matter, this Court places on record its appreciation for the assistance rendered by Ms. Mahinder Acharya, Senior Advocate, Mr. Mukesh Gupta, Standing Counsel, and Mr. Rajesh Kumar, SPP, who have addressed the Court with fairness and have assisted in the expeditious disposal of these matters, which have remained pending for more than a decade.

24. The present petition, along with pending application(s), if any, is accordingly disposed of on the aforesaid terms. The remaining petitions in the batch shall also stand disposed of in identical terms.