

FIR No. 277/2012
State vs. Ravi & Ors.
PS Patel Nagar

The matter has been taken up for pronouncement of order by way of video conferencing (CISCO Webex Meetings) on account of lockdown due to COVID-19. The counsel were already intimated by Ahlmad/ Asst. Ahlmad regarding the date and time of pronouncement of order.

28.05.2020

Present: Complainant Nisha w/o Sh. Satvir Kumar is present through video conferencing.

Sh. Anil Sharma, Learned counsel for the complainant through video conferencing.

Sh. B. B. Sharma, Learned counsel for all accused except Azad and Dinesh through video conferencing.

Ahlmad has informed on phone that Ld. Counsel Sh. H. S. Dhawan for remaining accused is facing some technical difficulty in joining the meeting and he has informed on phone that he would check the order on internet.

The matter is fixed for order on charge.

Arguments already heard.

Learned Counsel for the accused persons has argued that the public witnesses have not supported the allegations made by the complainant and injured Ram Kishan has also not supported the allegations of the complainant. Hence, the accused may be discharged.

On the other hand, Learned APP for the State and Learned counsel for the complainant has argued that the statement under section 161 Cr.P.C can not be read at this stage and the

allegations of the complainant are sufficient to frame charge against the accused persons.

This Court has considered the submissions of Learned Counsels and perused the record.

In the police complaint, the complainant had stated that she is living with her family members at Prem Nagar. Ravi is an alcoholic and he has been harassing her for long time by blocking her way and passing comments. Her family members talked to Mama of Ravi in this regard many times and all time, his mama assured that Ravi would not repeat such act in future and on their assurance, no complaint was filed with the police. However Ravi did not mend his ways and he threatened her that if she would not do friendship with him, he would kill her husband and thereafter she would be compelled to marry him.

In the complaint, she has further alleged that on 24.09.2012 at about 8'O Clock, she was alone in the house. Ravi suddenly came to her house and started forcing himself upon her. She shouted for help and her father-in-law came to save her from clutches of Ravi. Ravi gave beating to her father-in-law with a danda. Ravi also called his maternal uncles and son of his maternal uncle. They all entered her house and started beating her and her father-in-law. She and her father-in-law shouted for help and neighbour Sultan Singh and his wife came to save them. PCR call was made. Police came and the accused persons fled away. MLC of her father-in-law was prepared and she also gave her statement to the police but no action was taken. Thereafter on 25.09.2012 in the morning, Ravi again came to her house and threatened that the police would not take

any action as he has good contacts with politicians and higher officials of police.

The complainant filed an application under Section 156(3) Cr.P.C which was allowed and the present FIR was registered. After completion of investigation, chargesheet was filed for offences punishable under section 341/325/509 IPC against accused Ravi Kumar and accused Azad Singh, Dinesh @ Babli, Laxmi Narayan and Saran were put in column no.12. After cognizance, all accused were summoned.

The IO has also recorded statement of father-in-law of the complainant namely Ram Kishan on 23.11.2012. In that statement, Ram Kishan has stated that on 24.09.2012 at about 7:00-8:00 am, when he was standing in the park outside his house, Ravi came inside the park and started abusing him. When he objected, Ravi manhandled him, started throwing stones at him, and started beating him. He also called his maternal uncles Azad, Dinesh @ Babli, Laxmi Narayan and Saran. All of them started quarreling with him. In this quarrel, Ravi twisted his arm and caused him injury. Action may be taken against Ravi, Azad, Dinesh @ Babli and Laxmi Narayan and Saran.

Perusal of charge-sheet would show that there is one more statement under section 161 Cr.P.C. of Ram Kishan on record. In the second statement dated 17.02.2016, Ram Kishan has made allegation only against Ravi. He has further stated that family members of Ravi had come to the spot to intervene in the quarrel. There is no allegation against mama of Ravi in the second statement.

The IO has also recorded statement of some independent witnesses namely Anil Kumar, Pawan Kumar, Shakuntala Devi, Sultan Singh and Dheeraj.

Perusal of record would show that independent witnesses in their statement have not alleged involvement of family members of Ravi in the quarrel. One Anil Kumar s/o. Sh Ranjit Singh has stated that on 24.09.2012 he was standing outside his house in the Gali. Ravi, nephew of the Azad, residing in same Gali was quarrelling with Ram Kishan and was also abusing him. Quarrel took place between Ravi and Ram Kishan and Ravi was throwing stones upon Ram Kishan. On hearing noise, Azad (mama of Ravi), his family members, brother of Ram Kishan namely Sultan and his family members came in the Park and separated both of them. Ram Kishan had sustained injuries in the incident. Similarly, Sultan Singh s/o. Sh Chandan Singh has stated that on 24.09.12 at about 7.00 AM, he heard some noise from outside his house. He and his wife went outside the house and saw that Ravi, Azad's nephew, was abusing and beating his brother Ram Kishan in the Park. He was throwing stones. He and his wife intervened and mama of Ravi namely Azad and Babli also came there. During this quarrel, his elder brother had sustained injury. Ravi had also abused his daughter-in-law. He called at 100 number. He had not seen Ravi entering the house or misbehaving with daughter-in-law of Ram Kishan and the quarrel took place took place in the Park. The wife of Sultan Singh namely Shakuntla Devi has also made similar statement. One Pawan Kumar and Dheeraj Kumar have stated that there was quarrel between Ravi and Ram Kishan. The mama of Ravi namely Azad and his family

members and brother of Ram Kishan and other family members came and intervened in the quarrel. They had not seen Ravi misbehaving with Nisha and the quarrel took place in the park.

No doubt, the public witness have stated that the quarrel took place between Ravi and Ram Kishan and mama of Ravi and his family members came to intervene in the quarrel. However, the record shows that in statement dated 23.11.2012, complainant Nisha has specifically stated that Ravi called his uncles and Dinesh, Azad, Laxmi Narayan and Saran came and they all started beating. Similarly, injured Ram Kishan in his statement dated 23.11.2012, has stated that Ravi called his Mama(s) Azad, Dinesh@ Babli, Laxminarain and Saran and they all started fighting with him.

It is a matter of evidence and trial whether Azad, Dinesh@ Babli, Laxminarain and Saran were involved in the quarrel or not. The public witnesses have not stated about involvement of Azad, Dinesh@ Babli, Laxminarain and Saran, however injured Ram Kishan in his first statement u/s. 161 Cr.P.C has categorically stated about involvement of Azad, Dinesh@ Babli, Laxminarain and Saran in the quarrel. The complainant has also stated about involvement of Azad, Dinesh@ Babli, Laxminarain and Saran in the complaint as well as statement under section 161 Cr.P.C.

MLC of Ram Kishan (father-in-law) is filed with the charge sheet. As per the MLC, the patient had alleged history of assault and he had swelling and abrasion on his body parts. The doctor has opined the injury as grievous in nature because Ram Kishan had sustained fracture in the quarrel. The statement of complainant Nisha and injured Ram Kishan is prima facie sufficient

to show that all accused quarreled with Ram Kishan with common intent to hurt him. Injured Ram Kishan has sustained grievous hurt. In view of above discussion, this Court is of the view that ***the material is sufficient to frame charge for offence punishable under section 325/34 IPC against all accused namely Ravi, Azad, Dinesh, Laxmi Narayan and Saran.***

The witnesses have stated that during the incident, Ravi was abusing complainant Nisha. The complainant has not got her statement under section 164 Cr.P.C recorded and she told the IO that she could not come to court for her statement because she was not keeping well for past few months. There is nothing in the statement of any witness to show that accused Ravi has uttered any obscene words to insult the modesty of the complainant. There is no allegation of abuse by remaining accused. ***Hence, all accused are discharged for offence punishable under section 509 IPC.***

Injured Ram Kishan, in statement under section 161 Cr.P.C, has alleged that during the quarrel, Ravi did not allow / obstructed him from going towards his house. ***The statement of Ram Kishan is sufficient at this stage to frame notice for offence punishable under 341 IPC against accused Ravi.*** There is no allegation of wrongful restraint against other accused persons. Hence, remaining ***accused namely Azad, Dinesh, Laxmi Narayan and Saran are discharged for offence punishable under section 341 IPC.*** Be put for framing of charge on 19.06.2020.

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FIR No. 386/2018
State vs. Sajjan Singh & Subash Nagar
PS Patel Nagar

The matter has been taken up for pronouncement of order by way of video conferencing (CISCO Webex Meetings) on account of lockdown due to COVID-19. The counsel was already intimated by Ahlmad/ Asst. Ahlmad regarding the date and time of pronouncement of order.

28.05.2020

Present: Sh. Piyush Bhaddu, Learned APP for the State through video conferencing.

Accused Sajjan and Subhash are produced from Jail no.1 of Tihar through video conferencing (CISCO)

Sh. Devraj Singh, (enrol no. D-101/1978) Learned Counsel for accused Sajjan Singh through video conferencing

Sh. N. K. Saraswat (enrol. no. D-213B/2004), Learned Counsel for accused Subash through video conferencing.

The matter is fixed for order on charge.

Arguments already heard.

Learned counsel for accused Sajjan Singh has argued that Azad Singh has not been made an accused in this case. Azad Singh was the introducer of the complainant and other victims to the accused persons. The amount of Rs. 56 Lakhs was given to Subhash Nagar for job and there is no allegation that any money was even given to Sajjan Singh. It is also argued that even if the video of drawing of cheques by Subash Nagar sent to the FSL is presumed to

be correct, it shows that accused Sajjan had asked accused Subhash to draw cheques and give to the victims. The material shows that there was no intention of accused Sajjan to cheat the complainant and other victims. The FSL Report does not show that accused Sajjan had signed/ prepared any of the forged document i.e. selection letter, appointment letter or letter for medical examination. There is nothing to show that accused Sajjan had used any forged document as genuine one. Hence, accused Sajjan may be discharged.

Learned counsel for accused Subhash Nagar has argued that the accused has been falsely implicated by the victims. The expert opinion does not show that accused Subhash has forged any document. The allegations are not sufficient to frame charge against accused Subhash.

On the other hand, Learned APP for the State has argued that the complainant and victims have made specific allegation against both accused and therefore, the material is sufficient to frame charge against both accused.

This Court has considered the submissions of the parties and perused the record.

In the complaint to the police, the victims have stated that their relative Azad Singh along with one Sajjan Singh came to them and stated that there was vacancy of LDC, Computer Operator and Class IV employees in Krishi Mantralaya and Grah Mantralaya. They also informed that Subhash Nagar, who is a Congress politician, can get job for them by giving money to the concerned

persons. Thereafter, these victims had gone to the house of Subhash Nagar with Sajjan Singh. Accused Subhash and Sajjan Singh told them that they can arrange govt. job on payment of Rs. 7 Lakhs by each. They also stated that half of the payment was to be made before the appointment letter was issued. A total payment of Rs. 56 Lakhs was given to Subhash Nagar. Except four persons, all other victims received the joining letter through post and as a part of conspiracy, they were also medically examined at RML. When the concerned department was contacted, they informed that all those appointment letter, joining letter and medical letter were fake. Accused Subhash and Sajjan had cheated them.

During investigation, the IO has seized the appointment letters, selection letter and medical letters received by the victims and the specimen signatures of accused Sajjan and Subhash were taken. The report was received from the FSL that it is not possible to express any opinion on the questioned handwriting and signatures on the basis of the specimen provided.

There is nothing to show that Subhash and Sajjan had forged the appointment letters or selection letters or letters for medical examination. Even opinion of FSL does not support the allegation that the documents, which are alleged to be forged, were written by Subhash Nagar or Sajjan Singh. The material is therefore not sufficient to frame charge against accused Sajjan Singh or Subash Nagar for offence punishable u/s. 468 IPC. ***Accordingly both accused are discharged for offence punishable under section***

468 IPC.

The prosecution has also alleged offence punishable under section 471 IPC.

Record would show that in the statement of victim Ashish Kumar, there is specific allegation against accused Sajjan Singh that Selection Letter was given to him by Sajjan Singh within one week of advance payment of Rs. 3.5 Lacs. He has also stated that Sajjan Singh had also given selection letter to his cousin sister and one Ajit Singh after taking 3.5 Lac each from them. The said selection letters were fake.

Record would further show that victim namely Ajit Singh has stated that when he went to RML hospital for medical, Sajjan and Subash were already present and they had taken back original medical letter from him but he took photo of the same in his mobile. Sajjan and Subash stated that the doctor would prepare good medical report on payment of Rs. 20,000/- and his signatures were taken on some documents for the same. Victim Umesh and Dharambir have also stated that their signatures were also taken on some documents in the hospital by accused Sajjan and Subash.

As per the prosecution story, no such medical was got done and the medical documents were fake. The allegations are *prima facie* sufficient to show that both accused has shown forged documents as genuine and used the fake documents in order to make the victims believe that their were being appointed for govt. job. In the statement of Ashish, there is specific allegation that Sajjan and

Subash had shown card of Agricultural Ministry outside gate of PUSA and the accused persons also took his signature and stated that after the concerned officer would sign it, it would be given back.

The material on record prima facie show that both accused, in furtherance of their common intention, have used forged documents as genuine, knowing it to be forged. Therefore, this Court is of the view that ***the allegations are sufficient to frame charge for offence punishable under section 471/34 IPC against accused Sajjan Singh and Subash Nagar.***

The prosecution has also alleged offence punishable under section 420 IPC.

During the investigation, the IO had recorded statement of victims u/s. 161 Cr.P.C. In the statement under section 161 Cr.P.C, Ashish has stated that in April 2017, Sajjan Singh (his neighbour) had informed about vacancy in the Ministry and informed that he had approach in the Ministry and he can arrange permanent job for Rs. 7 Lakhs. Ashish has specifically stated that accused Sajjan had demanded half of the amount which was given by his father to accused Sajjan as first installment and within one week of advance payment, Sajjan Singh gave selection letter. Thereafter, his cousin sister and one relative Ajit Singh also gave Rs. 7 Lakhs (3.5 Lacs each) to accused Sajjan Singh. On 19.06.2017, Sajjan had sent selection letter and also sent them for medical at RML. Later, one letter through post was received regarding joining. When they went to join at Pusa Agricultural Deptt, Sajjan Singh and Subhash Nagar

came and took remaining amount of Rs. 3.5 Lakhs from each. Accused Subash and Sajjan had also shown ID cards of Ministry and after taking signatures on the IDs, they took it back stating that the IDs would be returned after the signature of concerned officer. Few days passed but no response was received. When Sajjan Singh and Subhash Nagar were asked to return the money, they initially asked for 2 month's time and later they threatened to kill.

Victim Amit has stated that on 25.10.2017 Subash and Sajjan called him near L block and he made advance payment of Rs. 2.5 Lacs to them. Victim Rohit has also stated that on 02.11.2017, he made payment of Rs. 4 Lacs to Sajjan and Subash while they were sitting in the car. He also sat in the car and the accused persons had filled form for LDC.

Victim Neha Maggo has also stated that on 10.08.2017, accused Sajjan Singh and Subash Nagar came to her house and her father made payment which was received by Subash Nagar. Victim Aniket has stated that Sajjan Singh and Subash Nagar demanded 9 Lacs for LDC job and his nana gave Rs. 4.5 Lacs as advance to them.

This Court does not find any substance in the argument of Ld counsel for accused Sajjan Singh that accused Sajjan had not taken any money. There is specific allegation in statement of the victims that accused Sajjan and Subash, both had taken money for selection in govt. job. The material on record is sufficient to show that both accused persons, in furtherance of their common intention,

had cheated many persons on the pretext of securing govt. job. *The allegations are therefore sufficient to frame charge for offence punishable under section 420/34 IPC against both accused.*

The prosecution has also alleged offence of criminal conspiracy. The manner in which cheating has been committed prima facie show that both accused had agreed to commit fraud at large scale. *The allegations are therefore sufficient to frame charge for offence punishable under section 120-B IPC against both accused.*

The prosecution has also alleged offence punishable under section 506 IPC. There is nothing to show that any of the victims were alarmed due to alleged threat extended by the accused persons. The ingredients of offence of criminal intimidation are not satisfied. *Hence, the accused persons are discharged for offence punishable under section 506 IPC.*

List for framing of charge on **03.07.2020**, renumai on **10.06.2020** and **24.06.2020** through VC by duty MM concerned.

Copy of order be sent to Superintendent Tihar.

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ACMM(W):DELHI:28.05.2020

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