* IN THE HIGH COURT OF DELHI AT NEW DELHI

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\# **CNR No. DLHC010023702023**

\+ **CRL.M.C. 589/2023 & CRL.M.A. 2291/2023**

RITA SINGH & ANR. .....Petitioners

Through: Ms. Rebecca John, Sr. Adv. with Mr. Chinmay Kanojia and Ms. Anushka Advs.

versus

CENTRAL BUREAU OF INVESTIGATION .....Respondent

Through: Mr. Rajesh Kumar, SPP along with Mr. Changez Khan, Adv.

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'CrPC') has been filed by the Petitioners, Ms. Rita Singh and Ms. Natasha Singh, assailing the judgment dated 27.08.2022 passed by the learned Principal District and Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue District Courts, New Delhi in ***Criminal Revision No.89/2021***. By the impugned judgment, the revision preferred by the Central Bureau of Investigation ('CBI') was allowed and the order dated 30.09.2020, whereby the Petitioners had been discharged, was set aside.

2. The Petitioners also challenge the consequential order dated 22.11.2022 passed by the learned Chief Metropolitan Magistrate, Rouse Avenue District Courts, New Delhi, whereby charges were framed against

them for offences under Section 120B read with Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC'), as also the substantive offences thereunder.

FACTUAL MATRIX

3. The proceedings emanate from RC SIG 1998 E-0001 registered by the CBI on 10.08.1998 under Section 120B IPC read with Sections 420, 467, 468, 471 and 477A IPC and the substantive offences thereunder. The accused included late Mr. J.K. Singh, Chairman of M/s Mideast Integrated Steels Ltd. ('MISL'), Petitioner No. 1, who was its Managing Director, Petitioner No. 2, who was its director, and other officers of MISL. Upon completion of investigation, a chargesheet was filed on 14.07.2000.

4. The prosecution case, insofar as relevant to the present petition, concerns lease finance sought by MISL from M/s Ashok Leyland Finance Ltd. ('ALFL') to the tune of approximately Rs. 2 crores. According to the CBI, the finance was obtained by representing that MISL had acquired 'Air Pre-heaters' from M/s Kesoram Refractories.

5. The CBI alleges that documents relating to earlier transactions between MISL and Kesoram Refractories for refractory material were altered and used to support the lease finance transaction. The documents alleged to have been forged/fabricated include a proforma invoice dated 12.09.1995, a receipt dated 18.12.1995 which was allegedly altered to bear the date 31.01.1996, and a bill dated 27.03.1996.

6. On the strength of the documents submitted to it, ALFL sanctioned lease finance of Rs.1,90,18,501/-. After adjustment of the stated advance amount, a cheque dated 29.03.1996 for Rs. 1,68,41,547/- was issued in favour of Kesoram Refractories.

7. The prosecution further alleges that the aforesaid cheque was not credited to Kesoram Refractories at Calcutta. Instead, it was deposited in Current Account No. 2645 opened with Vijaya Bank, Defence Colony, New Delhi in the name of 'Kesoram Refractories', with co-accused Deepak Singh shown as its proprietor. The CBI alleges that this was a fictitious concern and that the account had been opened for encashment of the cheque issued by ALFL.

8. According to the CBI, after encashment of the cheque, substantial amounts were transferred to various companies of the MESCO group, including companies stated to be under the control of late Mr. J.K. Singh and the present Petitioners. Certain amounts are also alleged to have been withdrawn in cash.

9. The prosecution relies upon the statement of Mr. Pinaki Mukherjee of Kesoram Refractories to contend that Kesoram Refractories did not manufacture or deal in 'Air Pre-heaters' and had not issued the documents relied upon for supply of any such equipment. Insofar as the present Petitioners are concerned, reliance is also placed upon the statements of Mr. Sanjay Gandhi of ALFL, who referred to discussions with them in relation to the proposed lease finance facility.

10. At the stage of consideration of charge, the learned CMM, by order dated 30.09.2020, discharged the present Petitioners and one other accused. The learned CMM, *inter alia*, noticed that none of the documents alleged to have been forged bore the signatures of the Petitioners and that the material relied upon against them consisted principally of their position in the concerned companies, the statement regarding discussions with Mr. Sanjay Gandhi, and the subsequent movement of funds to MESCO group entities.

11. The CBI challenged the discharge order in revision. By the impugned judgment dated 27.08.2022, the learned Revisional Court held that the material had to be considered cumulatively and that the discharge order had placed undue emphasis upon perceived defects in the investigation while overlooking material bearing upon the alleged conspiracy.

12. The Revisional Court placed reliance, *inter alia*, upon the Petitioners' alleged participation in the negotiations for lease finance, the use of the disputed documents for obtaining finance, the deposit of the proceeds in the alleged fictitious account and the subsequent transfer of funds to MESCO group companies. The discharge order was consequently set aside and the learned CMM was directed to frame charges against the accused.

13. Pursuant thereto, charges were framed on 22.11.2022. The Petitioners have accordingly approached this Court seeking setting aside of the judgment dated 27.08.2022, the consequential charges framed on 22.11.2022 and the proceedings arising therefrom.

14. During the pendency of the present petition, the Petitioners also placed certain Memoranda of Understanding and correspondence on record to contend that the financial dispute between MISL and ALFL stood settled. By order dated 17.02.2023, this Court directed the CBI to ascertain whether the liability stood settled and the entire payment had been made.

15. In its additional status report, the CBI stated that IndusInd Bank Ltd., the successor entity concerned with the transaction, was approached for verification. The Bank, however, informed the CBI by communication dated 10.11.2023 that the records pertaining to the year 2006 were not traceable and that, owing to migration of its banking system in December, 2012, it was unable to retrieve the account concerned. The CBI has, therefore, stated that

the alleged settlement could not be independently verified from the Bank.

<u>SUBMISSIONS ON BEHALF OF THE PETITIONERS</u>

16. Learned Senior Counsel for the Petitioners submits that the material collected during investigation does not disclose any specific criminal act attributable to either Petitioner. It is contended that the prosecution seeks substantially to derive their liability from the offices held by them in MISL and other group companies, although criminal liability cannot be fastened merely on account of a person being a director or person in control of a company.

17. Learned Senior Counsel submits that the only material directly referring to the Petitioners is the supplementary statement of Mr. Sanjay Gandhi dated 28.04.2000, recorded approximately fifteen months after his earlier statement dated 22.01.1999. The said statement, according to learned Senior Counsel, merely refers to discussions with the Petitioners concerning the lease finance proposal and neither attributes the preparation or submission of any forged document to them nor discloses any agreement on their part to commit an illegal act.

18. Learned Senior Counsel further submits that none of the disputed documents bears the signature of either Petitioner and there is no allegation that they made or altered any of the documents in question. It is also pointed out that the originals of the proforma invoice dated 12.09.1995 and the bill dated 27.03.1996 have not been placed on record by the CBI. Reliance is placed upon ***Sheila Sebastian v. R. Jawaharaj, (2018) 7 SCC 581***.

19. Learned Senior Counsel next contends that the charge of criminal conspiracy is founded upon inference rather than any material demonstrating an agreement or meeting of minds between the Petitioners and the remaining

accused. Learned Senior Counsel submits that participation in discussions concerning a financing transaction, without anything further, cannot constitute *prima facie* evidence that the Petitioners were privy to the alleged fabrication of documents, opening of the alleged fictitious account or diversion of funds. Reliance is placed, *inter alia*, upon ***CBI, Hyderabad v. K. Narayana Rao, (2012) 9 SCC 512.***

20. Learned Senior Counsel further submits that the Revisional Court erred in treating the Petitioners' status as Directors and the alleged control exercised by them over MESCO group companies as sufficient material to proceed against them. Learned Senior Counsel asserts that there must be material showing an active role accompanied by the requisite criminal intent. In this regard, reliance is placed upon ***Sunil Bharti Mittal v. Central Bureau of Investigation***, **(2015) 4 SCC 609** and ***K. Sitaram v. CFL Capital Financial Service Ltd.***, **(2017) 5 SCC 725.**

21. Learned Senior Counsel also questions the reliance placed upon transfer of funds to other MESCO group entities. She submits that those companies were not arrayed as accused and that, in its reply dated 07.02.2020 before the learned Trial Court, the CBI itself had not attributed knowledge of the alleged forgery to the recipient companies. According to the learned Senior Counsel, the subsequent movement of funds cannot, in these circumstances, by itself establish their participation in the alleged conspiracy.

22. Learned Senior Counsel raises further submission in respect of Section 467 IPC. Learned Senior Counsel contends that the documents alleged to have been forged do not answer the description of a 'valuable security' within Section 30 IPC and, therefore, an offence under Section 467 IPC is not attracted.

23. Lastly, learned Senior Counsel submits that the underlying financial dispute between MISL and ALFL stood settled long ago. The Petitioners rely upon the Memoranda of Understanding and correspondence subsequently placed before this Court and contend that, having regard to the settlement, the nature of the transaction and the passage of time, continuation of the criminal proceedings would serve no useful purpose. Reliance is placed upon the judgments, including ***Gian Singh v. State of Punjab, (2012) 10 SCC 303, CBI v. Duncans Agro Industries Ltd., (1996) 5 SCC 591*** *and* ***Nikhil Merchant v. Central Bureau of Investigation, (2008) 9 SCC 677.***

SUBMISSIONS ON BEHALF OF THE CBI

24. *Per contra*, learned Special Public Prosecutor ('SPP') for the CBI, supports the impugned judgment and submits that the prosecution case cannot be tested at the stage of charge by examining each circumstance in isolation. According to the learned SPP, the material collected during investigation, when read as a whole, gives rise to a sufficient *prima facie* case for the Petitioners to face trial.

25. Learned SPP submits that the case against the Petitioners is not founded merely upon their designation in MISL. The CBI relies upon the statement of Mr. Sanjay Gandhi regarding their participation in discussions for the lease finance facility, the allegedly fabricated documents thereafter submitted on behalf of MISL, the sanction and disbursal of the finance, deposit of the cheque in the alleged fictitious account and the transfer of the proceeds to MESCO group companies stated to be under the control of the Petitioners and late Mr. J.K. Singh.

26. Learned SPP further relies upon the statement of Mr. Pinaki Mukherjee

to submit that Kesoram Refractories neither manufactured 'Air Pre-heaters' nor issued the documents relied upon for supply thereof. According to learned SPP, the circumstances beginning with the negotiations for finance and culminating in transfer of the proceeds constitute a continuous chain which prima facie supports the charge of conspiracy.

27. Learned SPP further submits that criminal conspiracy is ordinarily established from surrounding circumstances and conduct, and direct evidence of the agreement between conspirators may not always be available. At the stage of framing of charge, the Court is required only to determine whether sufficient ground exists for proceeding against the accused and cannot undertake a meticulous evaluation of the evidence as would be required after trial. Reliance is placed upon ***State of M.P. v. S.B. Johari, (2000) 2 SCC 57, Bhawna Bai v. Ghanshyam, Criminal Appeal No.1820/2019,*** *and* ***Dinesh Tiwari v. State of Uttar Pradesh, (2014) 13 SCC 137.***

28. On the plea of settlement, the learned SPP submits that despite efforts made pursuant to the order dated 17.02.2023, the alleged full and final settlement could not be independently verified from the concerned Bank. It is further contended that, even assuming a financial settlement, the same does not by itself require quashing of criminal proceedings involving allegations of conspiracy, cheating, forgery and use of forged documents.

29. In support of the latter submission, reliance is placed, *inter alia*, upon ***State of Maharashtra v. Vikram Anantrai Doshi, (2014) 15 SCC 29***, ***Parbatbhai Aahir v. State of Gujarat, (2017) 9 SCC 641, Sushil Suri v. CBI, (2011) 5 SCC 708, CBI v. Maninder Singh, (2016) 1 SCC 389 and Daya Engineering Works (Sleeper) Ltd. v. CBI, 2019 SCC OnLine Del 10336***. On these grounds, dismissal of the petition is prayed for.

FINDINGS AND ANALYSIS

30. This Court has heard the learned Senior Counsel and the learned SPP and perused the material on record.

31. The challenge raised by the Petitioners essentially requires consideration of four aspects: first, the effect of the judgment dated 24.12.2021 passed in ***CBI Case No. 32/2019***; second, whether the material collected by the CBI is sufficient, at the stage of charge, to proceed against the Petitioners for criminal conspiracy and cheating; third, whether the substantive charges of forgery and use of forged documents can independently be sustained against them; and lastly, the effect of the settlement relied upon by the Petitioners.

32. Before examining these issues, the scope of scrutiny at the stage of framing of charge must be kept in view. At this stage, the Court is neither expected to conduct a meticulous evaluation of the evidence nor determine whether the prosecution would ultimately result in conviction. What is required is the existence of material which, if taken at its face value, gives rise to the requisite suspicion that the accused may have committed the offence alleged. In ***State of Maharashtra v. Som Nath Thapa, (1996) 4 SCC 659***, the Supreme Court observed that if the Court considers that the accused "might have committed the offence", a charge can be framed.

33. At the same time, the jurisdiction at the stage of charge is not entirely mechanical. The material relied upon by the prosecution must bear a discernible connection with the offence alleged against the particular accused. The mere fact that an accused held an office in a company or was associated with persons against whom stronger material exists would not, by itself, justify putting such person to trial. It is against this legal position that the

material against the present Petitioners is required to be examined.

34. Considerable emphasis has been placed by the Petitioners upon the judgment dated 24.12.2021 passed in ***CBI Case No. 32/2019*** arising out of ***RC SIG/2000/E/0001***, whereby they were acquitted. It is urged that the present prosecution is barred by the principle of double jeopardy and, in any event, by the rule of issue estoppel.

35. The contention that the present prosecution is barred altogether by Article 20(2) of the Constitution or Section 300 CrPC cannot be accepted. The earlier prosecution and the present prosecution arise out of separate financial transactions. The former related to letters of credit opened in favour of vendors of MISL and the financing arrangements connected therewith. The present case concerns lease finance obtained from ALFL in respect of 'Air Pre-heaters' allegedly supplied by Kesoram Refractories.

36. The documents which constitute the foundation of the present prosecution are also distinct. The present case concerns, *inter alia*, the proforma invoice dated 12.09.1995, the receipt dated 18.12.1995 allegedly altered to bear the date 31.01.1996, and the bill dated 27.03.1996. The fact that the two prosecutions involve some of the same persons, companies or surrounding circumstances does not render the offences or the transactions identical.

37. The protection under Section 300 CrPC is attracted when a person, having once been tried and convicted or acquitted of an offence, is sought to be tried again for the same offence or upon the same facts in the manner contemplated by the provision. The present prosecution is founded upon an alleged deception practised upon ALFL through a separate set of documents and a separate disbursal of finance. The plea that the prosecution itself is

barred by double jeopardy is, therefore, rejected.

38. The principle of issue estoppel is, however, narrower and operates differently. It does not prohibit a subsequent trial for a distinct offence. It precludes the prosecution from reagitating a specific fact which, between the same parties, has already been distinctly put in issue and finally determined by a competent court. The Constitution Bench in ***Manipur Administration v. Thokchom Bira Singh, AIR 1965 SC 87***, explained that the rule prevents evidence being led to prove a fact in issue which has already been determined in favour of the accused in an earlier trial.

39. The judgment dated 24.12.2021 cannot, therefore, be read as holding that every transaction undertaken by MISL involving Kesoram Refractories was genuine or that no criminality could ever be alleged in relation to any subsequent or independent transaction. The learned Special Judge was concerned with the specific transaction forming the subject matter of that trial. The findings recorded therein have to be understood within that setting.

40. There are, nonetheless, certain factual issues which were specifically examined in the earlier trial and upon which findings were returned. These include the prosecution allegations relating to the opening and operation of Current Account No. 2645 maintained in the name of Kesoram Refractories with Vijaya Bank, Defence Colony, the alleged movement of funds from that account to 21st Century Finance Ltd., and the allegation concerning Kesoram Refractories at 13/38, Kalu Sarai, New Delhi.

41. To the extent an identical factual issue was directly in question and was conclusively determined in the earlier trial, the CBI cannot merely seek a contrary determination of that very fact in the present proceedings while the judgment dated 24.12.2021 continues to hold the field. The pendency of

CRL.L.P. 301/2022 challenging the acquittal does not, by itself, erase the judgment. This principle, however, does not result in discharge of the Petitioners from the present case because, as noticed above, the transaction with ALFL and the documents forming its basis were not the subject matter of the earlier trial.

42. The principal question is thus whether, leaving aside matters which cannot be reopened by reason of the earlier adjudication, there remains sufficient material against the Petitioners to justify their trial. In the opinion of this Court, the answer, insofar as the charge of conspiracy is concerned, is in the affirmative.

43. The learned CMM had proceeded substantially on the basis that the Petitioners were sought to be implicated because of their status as Directors of MISL and other group companies. There can be no quarrel with the proposition that the IPC does not create vicarious criminal liability merely because a person happens to be a Director or officer of a company. ***Sunil Bharti Mittal (supra)*** makes it clear that a person acting on behalf of a company can be made an accused where the material discloses an active role coupled with the requisite criminal intent.

44. The present case, however, does not rest only upon the designations held by the Petitioners. The prosecution specifically relies upon the supplementary statement dated 28.04.2000 of PW-1 Sanjay Gandhi of ALFL. The statement attributes to both Petitioners participation in discussions concerning the lease-finance transaction shortly before execution of the lease agreement.

45. According to PW-1, after his initial discussions with co-accused Rajiv Raisinghani, further discussions were held with Petitioner No. 1 in her office

and with Petitioner No. 2 in her chamber. It is also stated that during these discussions the proposed assets were represented to have been acquired from Kesoram Refractories, proprietor Kesoram Industries Ltd., Calcutta. The prosecution case is that this representation was material because ALFL proceeded on the understanding that the supplier was a concern belonging to the Kesoram/Birla group.

46. The significance of this material cannot be examined in isolation from what allegedly followed. According to the prosecution, the proforma invoice and receipt purporting to emanate from Kesoram Refractories were thereafter submitted by co-accused Rajiv Raisinghani, lease finance was sanctioned, and PW-7 Pinaki Mukherjee stated that Kesoram Refractories neither manufactured nor dealt in 'Air Pre-heaters' and had not issued documents for supply of such equipment.

47. The submission that PW-1's reference to the Petitioners appears only in a supplementary statement recorded considerably after his first statement is undoubtedly a circumstance available to the defence. It may have a bearing upon the weight ultimately attached to his testimony. However, at the present stage, the Court cannot discard the statement altogether or undertake the exercise of determining whether the subsequent version is truthful. That exercise must await trial.

48. The reliance placed upon ***CBI, Hyderabad (supra)*** also does not justify discharge. The principle that conspiracy cannot be founded upon mere suspicion or conjecture is unexceptionable. At the same time, conspiracy is ordinarily proved through circumstances, since direct evidence of an agreement to commit an unlawful act is rarely available. The question at this stage is whether the circumstances relied upon by the prosecution, taken

together, permit the matter to proceed to trial.

49. In the present case, PW-1 attributes a transaction specific role to the Petitioners immediately preceding the grant of finance. The representation alleged against them concerns the identity of the supplier whose documents were subsequently used for securing the finance. At the stage of charge, this is sufficient material to go beyond the Petitioners' mere corporate status and raises the requisite suspicion of their participation in the alleged conspiracy.

50. This Court is conscious that the prosecution must eventually prove that the Petitioners knew that the representation was false and that they shared the alleged common design. Nothing stated herein amounts to a finding on either aspect. The limited conclusion at present is that the material is not so devoid of substance as to justify terminating the prosecution for conspiracy at its threshold.

51. For similar reasons, the substantive charge under Section 420 IPC cannot be interfered with at this stage. The prosecution does not merely allege that the Petitioners benefited from the transaction. PW-1 attributes to them a representation concerning the supplier in the course of negotiations with ALFL. Whether such representation was in fact made, whether it was dishonest from inception and whether it induced ALFL to part with the funds are matters for evidence. The ingredients alleged are, however, sufficiently reflected in the prosecution material to permit the charge under Section 420 IPC to proceed.

52. The contention regarding non-production of the originals of certain documents also does not justify discharge from the entire prosecution. The manner in which the disputed documents are to be proved and the legal consequence, if any, flowing from non-production of their originals are

matters which the Trial Court will consider upon the evidence led before it. At the stage of charge, this circumstance cannot by itself extinguish the prosecution case.

53. The position is different when the substantive charges under Sections 467 and 468 IPC against the present Petitioners are examined. The prosecution material does not attribute the making, signing or alteration of any of the disputed documents to either Petitioner. The documents are also not stated to bear their signatures.

54. In ***Sheila Sebastian (supra)***, the Supreme Court considered the scheme of Sections 463 and 464 IPC and held that a person who is not the maker of the false document cannot be prosecuted for the offence of forgery merely because such person may have derived benefit from it. The Court observed that "*a charge of forgery cannot be imposed on a person who is not the maker of the same.*"

55. In the present case, the chargesheet attributes the submission of the proforma invoice and receipt to co-accused Rajiv Raisinghani. No material has been shown to this Court which attributes the physical preparation, alteration, execution or making of any of the disputed documents to the Petitioners. Their alleged participation in a conspiracy to secure finance by use of such documents stands on a different footing and is already covered by the charge under Section 120B read with the corresponding substantive offences.

56. The argument of the Petitioners that Section 467 IPC can have no application because the documents do not constitute 'valuable security', however, cannot be accepted in the broad manner in which it is advanced. Section 467 IPC is not confined to a forged valuable security. Its text

expressly extends, *inter alia*, to a document which purports to be a receipt acknowledging payment of money. The receipt dated 18.12.1995, allegedly altered to bear the date 31.01.1996, is stated to acknowledge receipt of Rs.21,76,954/-. Thus, the exclusion of Section 467 IPC cannot be founded merely upon the definition of 'valuable security' under Section 30 IPC.

57. The substantive charge under Sections 467 and 468 IPC against the Petitioners nevertheless cannot survive for the separate reason that the prosecution material does not disclose that either of them made the alleged false documents. This would not prevent the prosecution from relying upon the alleged forgery as an object or act of the conspiracy under Section 120B IPC.

58. The charge under Section 471 IPC must also be examined separately. The offence requires fraudulent or dishonest use of a forged document as genuine, coupled with knowledge or reason to believe that the document is forged. The material presently before the Court attributes the actual submission of the disputed documents to co-accused Rajiv Raisinghani. No distinct act has been identified whereby either Petitioner herself presented, tendered or otherwise used any of those documents as genuine.

59. Their alleged participation in the larger conspiracy can, therefore, sustain a charge under Section 120B read with Section 471 IPC, but cannot, in the absence of material showing an act of use by them, sustain an independent substantive charge under Section 471 IPC. To this limited extent, interference with the charge dated 22.11.2022 is warranted.

60. The remaining submission concerns the alleged settlement of the financial liability between MISL and ALFL. Pursuant to the order passed by this Court, the CBI approached IndusInd Bank Ltd. for verification. The Bank

informed the CBI that the relevant records were not traceable and that it was unable to retrieve the account concerned after migration of its banking system. The alleged full and final settlement could, therefore, not be independently verified from the financial institution.

61. Even otherwise, repayment or settlement of the financial dues cannot, by itself, conclude the present proceedings. The prosecution allegations are not confined to non-payment of a commercial liability. The allegation is that a financial institution was induced to disburse substantial funds on the basis of fabricated documents pursuant to a criminal conspiracy. The criminality alleged is, therefore, independent of the subsequent adjustment or settlement of the monetary liability.

62. The principles laid down in ***Gian Singh (supra)*** and ***Parbatbhai Aahir (supra)*** require the Court, while exercising jurisdiction under Section 482 CrPC on the basis of settlement, to consider the nature and gravity of the offence. The decisions in ***Vikram Anantrai Doshi (supra), Sushil Suri (supra)*** and ***Maninder Singh (supra)*** also make it clear that settlement of the monetary component does not necessarily obliterate allegations involving a pre-planned fraud or fabrication of documents.

63. In the present case, the settlement is itself incapable of independent verification from the concerned financial institution. More importantly, having regard to the nature of the allegations and the material noticed hereinabove, the alleged settlement does not furnish a sufficient ground for quashing the prosecution.

CONCLUSION

64. In view of the foregoing, the judgment dated 24.12.2021 does not bar the present prosecution under Article 20(2) of the Constitution or Section 300

CrPC, as the two proceedings arise out of distinct transactions. However, any issue of fact directly and finally decided in the earlier trial cannot be reopened while the said judgment remains operative, subject to the outcome of ***CRL.L.P. 301/2022***.

65. Even after leaving aside such issues, the statement of PW-1 Sanjay Gandhi, read with the other material on record, is sufficient at this stage to sustain the charge of conspiracy under Section 120B read with Sections 420, 467, 468 and 471 IPC. The substantive charge under Section 420 IPC also calls for no interference.

66. However, there is no specific material to show that either Petitioner herself made or altered any of the alleged forged documents, or used any such document as genuine. Accordingly, while the charge of conspiracy shall continue, the substantive charges under Sections 467, 468 and 471 IPC against the Petitioners are set aside.

67. The petition is, accordingly, partly allowed to the aforesaid extent. The learned Trial Court shall proceed in accordance with law, uninfluenced by any observation made herein on the merits of the case.

68. The petition, along with pending application(s), if any, stands disposed of. Interim order(s), if any, stand vacated.

MADHU JAIN
(JUDGE)

SEPTEMBER 24, 2026/ys/m