



2025:DHC:11947



\$~62 to 67

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 1527/2025

ASHWANI SHARMA

.....Appellant

Through: Dr. Sushil Kumar Gupta and
Ms. Anshika Kumari, Advs.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Ripudaman Bhardwaj with
Mr. Amit Kumar Rana, Adv.

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+ CRL.A. 1528/2025

ASHUTOSH PANT

.....Appellant

Through: Dr. Sushil Kumar Gupta and
Ms. Anshika Kumari, Advs.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Ripudaman Bhardwaj with
Mr. Amit Kumar Rana, Adv.

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+ CRL.A. 1518/2025

MANOJ VATS

.....Appellant

Through: Mr. Anuj Chauhan and Mr.
Harsh Kumar, Advs.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Ripudaman Bhardwaj with
Mr. Amit Kumar Rana, Adv.



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CRL.A. 1530/2025

KARAMVIR SINGH

.....Appellant

Through: Mr. Amit Chadha, Sr. Adv.
with Ms. Geetika Verma, Mr. Sunil Yadav
and Mr. Harjas Singh, Adv.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Ripudaman Bhardwaj with
Mr. Amit Kumar Rana, Adv.

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CRL.A. 1531/2025

SUDARSHAN TANDON

.....Appellant

Through: Ms. Sonia Mathur Sr. Adv. with
Mr. Sushil Kumar Dubey, Ms. Shubhi
Bhardwaj, Ms. Safeena Khan, Ms. Vanshika
Mudgil, Adv.

versus

C B I & ORS.

.....Respondents

Through: Mr. Ripudaman Bhardwaj with
Mr. Amit Kumar Rana, Adv.

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CRL.A. 1537/2025

NARENDER KUMAR THROUGH PAIRAOKAR

GYANETRI RAWAT

.....Appellant

Through: Mr. C. Mohan Rao, Sr. Adv.
with Mr. Ajay Sharma and Mr. Lokesh
Kumar Sharma, Adv.



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versus

CENTRAL BUREAU OF INVESTIGATIONRespondent
Through: Mr. Ripudaman Bhardwaj with
Mr. Amit Kumar Rana, Adv.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT
23.12.2025

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AJAY DIGPAUL, J. (ORAL)

CRL.M.A. 38645/2025 in CRL.A. 1527/2025 & CRL.M.(BAIL)
2224/2025

CRL.M.A. 38646/2025 in CRL.A. 1528/2025 & CRL.M.(BAIL)
2225/2025

CRL.M.(BAIL) 2561/2025 & CRL.M.A. 38774/2025 in CRL.A.
1518/2025

CRL.M.(BAIL) 2560/2025 & CRL.M.A. 38771/2025 in CRL.A.
1530/2025

CRL.M.A. 38773/2025 in CRL.A. 1531/2025 & CRL.M.(BAIL)
2231/2025

CRL.M.A. 38776/2025 in CRL.A. 1537/2025 & CRL.M.(BAIL)
2235/2025

1. The present applications under Section 430 of the Bharatiya Nagrik Suraksha Sanhita, 2023¹ [earlier Section 389 of the Code of Criminal Procedure, 1973²] have been filed on behalf of the applicants seeking suspension of sentence during pendency of the appeals. The applicants were convicted by the learned Special Judge (PC Act), CBI-15, Rouse Avenue Court, New Delhi, *vide* judgment dated 13.10.2025 and were sentenced *vide* order dated 31.10.2025. Since the impugned judgment and the order on sentence arise out of the same

¹ hereinafter "BNSS"

² hereinafter "CrPC"

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trial and are common to the applicants, the present applications are being disposed of by this common order.

2. This Court notes that *vide* order dated 20.12.2025, passed in CRL.A. 1521/2025, CRL.A. 1578/2025, CRL.A. 1590/2025, CRL.A. 1591/2025 and CRL.A. 1561/2025, the suspension of sentence applications filed by the respective applicants therein were disposed of. This Court has, therefore, already dealt in detail with the general background of the case, as also the factors which govern the exercise of power under Section 430 of BNSS/Section 389 of the CrPC.

3. The present set of applications has been moved by Ashwani Sharma, Ashutosh Pant, Manoj Vats, Karamvir Singh, Sudarshan Tandon, and Narender Kumar seeking similar relief. While noting that upon completion of trial, the learned Special Judge delivered the judgment of conviction dated 13.10.2025, followed by the order on sentence dated 31.10.2025, which form the subject matter of challenge, this Court, for the sake of brevity, does not propose to reiterate the background *in extenso*.

4. The operative portion of the order on sentence, insofar as it relates to the present applicants, is reproduced hereunder:

Name	Offences	Sentence
Ashwani Sharma	(i). Offences punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act.	(i). He is sentenced to undergo rigorous imprisonment for six months and fine of Rs.1,00,000/- (Rupees One Lakh Only), for the offence punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.



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	(ii). Substantive offence punishable under Section 420 IPC	(ii). He is also sentenced to undergo rigorous imprisonment for a period of five years and fine of Rs.50,000/- (Rupees Fifty Thousand Only) for the offence punishable under Section 420 IPC. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
	(iii). Substantive offence punishable under Section 468 IPC	(iii). He is also sentenced to undergo rigorous imprisonment for a period of five years and fine of Rs.50,000/- (Rupees Fifty Thousand Only) for the offence punishable under Section 468 IPC. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
	(iv). Substantive Offence punishable under Section 471 IPC r/w Section 468 IPC.	(iv). He is also sentenced to undergo rigorous imprisonment for a period of two years and fine of Rs.50,000/- (Rupees Fifty Thousand Only) for the offence punishable under Section 471 r/w Sec. 468 IPC. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
Ashutosh Pant	Offences punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d) (iii) of PC Act.	(i). He is sentenced to undergo rigorous imprisonment for six months and fine of Rs.1,00,000/- (Rupees One Lakh Only), for the offence punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
	(ii). Substantive offence punishable under Section 420 IPC.	(ii). He is also sentenced to undergo rigorous imprisonment for a period of five years and fine of Rs.50,000/-



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		(Rupees Fifty Thousand Only) for the offence punishable under Section 420 IPC. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
Manoj Vats	i). Offences punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act	(i). He is sentenced to undergo rigorous imprisonment for six months and fine of Rs.1,00,000/- (Rupees One Lakh Only), for the offence punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
	(ii). Substantive Offence punishable under Section 420 IPC.	(ii). He is also sentenced to undergo rigorous imprisonment for a period of five years and fine of Rs.50,000/- (Rupees Fifty Thousand Only) for the offence punishable under Section 420 IPC. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
Karamvir Singh	(i). Offences punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act.	(i). He is sentenced to undergo rigorous imprisonment for six months and fine of Rs.1,00,000/- (Rupees One Lakh Only), for the offence punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
	(ii). Substantive offence punishable under Section 13(2) read with Section 13(1)(d) (iii) of PC Act.	(ii). He is also sentenced to undergo rigorous imprisonment for a period of five years and fine of Rs.50,000/- (Rupees Fifty Thousand Only) for the



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		offence punishable under Section 13(2) read with Section 13(1)(d) (iii) of PC Act. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
Sudarshan Tandon	(i). Offences punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act	(i). He is sentenced to undergo rigorous imprisonment for six months and fine of Rs.1,00,000/- (Rupees One Lakh Only), for the offence punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
	(ii).Substantive offence punishable under Section 420 IPC	(ii). He is also sentenced to undergo rigorous imprisonment for a period of five years and fine of Rs.50,000/- (Rupees Fifty Thousand Only) for the offence punishable under Section 420 IPC. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
	(iii). Substantive offence punishable under Section 468 IPC	(iii). He is also sentenced to undergo rigorous imprisonment for a period of five years and fine of Rs.50,000/- (Rupees Fifty Thousand Only) for the offence punishable under Section 468 IPC. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
Narender Kumar	(i). Offences punishable under Section 120B read with 420, 468, 471 read with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act.	(i). He is sentenced to undergo rigorous imprisonment for six months and fine of Rs.1,00,000/- (Rupees One Lakh Only) for the offence punishable under Section 120B read with 420, 468, 471 read



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		with 468 IPC and Section 13(2) read with Section 13(1)(d)(iii) of PC Act. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.
	(ii). Substantive offence punishable under Section 13(2) read with Section 13(1)(d) (iii) of PC Act.	(ii). He is also sentenced to undergo rigorous imprisonment for a period of five years and fine of Rs.50,000/- (Rupees Fifty Thousand Only) for offence punishable under Section 13(2) read with Section 13(1)(d) (iii) of PC Act. In case of default of payment of aforesaid fine, he is sentenced to undergo simple imprisonment for a period of two months.

5. Accordingly, this Court shall confine itself to recording, *qua* each applicant separately, the role attributed and the allegations forming the basis of conviction, along with the submissions advanced on behalf of the applicants and the respondent/CBI in support of and in opposition to suspension of sentence, provide the corresponding analysis, and thereafter return its conclusions.

Discussion qua Ashwani Sharma and Ashutosh Pant

6. The learned Special Judge recorded that the roles attributed to Ashwani Sharma and Ashutosh Pant were substantially similar, inasmuch as both had contributed to the falsification of the records of Safdarjung CGHS Limited³ by preparing and executing documents in furtherance of the revival process. In so far as Ashwani Sharma is

³ hereinafter "the Society"
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concerned, it was noted that he wrote, in his own handwriting, affidavits and membership-related applications of various persons, and also authored minutes/proceedings of the Society purportedly held on different dates. The said writings were relied upon by the prosecution with reference to the opinion of the GEQD, Shimla, which, according to the impugned judgment, confirmed the authorship attributed to him.

7. As regards Ashutosh Pant, the learned Special Judge noted the prosecution case that he signed the affidavit of Jasveer Singh, signed membership applications in respect of Vijay and Jasveer Singh, and also signed the resignation letter of Vijay. These acts were likewise founded on the GEQD, Shimla opinion, which, as recorded in the impugned judgment, supported the attribution of the disputed writings/signatures to him.

8. On appreciation of the above material, the learned Special Judge concluded, in respect of both applicants, that the documents so prepared and executed were not genuine and constituted forged or fabricated Society records. It was further concluded that such falsified records formed part of the documentation used by the co-accused for seeking revival of the Society before the statutory authorities, and that the applicants' acts, as so established, constituted their participation in the criminal conspiracy.

9. Dr. Sushil Kumar Gupta, learned Counsel who has argued on behalf of both, Ashwani Sharma and Ashutosh Pant submits that the conviction against the applicants proceeds almost entirely on handwriting comparison and opinion evidence. He contends that the prosecution has not led any direct or cogent proof of an agreement constituting conspiracy, nor any material to show cheating,



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inducement, or any pecuniary gain to either applicant. It is urged that the role attributed to both applicants is confined to preparation of certain proceedings and signing of affidavits, applications, and resignation-related documents, and the finding of guilt is substantially founded on the GEQD opinion.

10. Learned counsel submits that handwriting expert evidence is, at best, an advisory opinion and is a weak and fallible form of evidence unless supported by strong and reliable corroboration. According to him, the testimony of the expert witness is itself beset with serious infirmities, since no worksheets, rough notes, comparative charts, photographs, or other scientific supporting material were produced, and it was admitted that the rough notes were destroyed. It is argued that the report does not disclose the methodology or the characteristic features relied upon, thereby raising a substantial doubt about its reliability and rendering the conviction, at least *prima facie*, vulnerable for the purposes of considering suspension of sentence.

11. It is further contended that even the foundational requirement for comparison was not satisfied, since the specimen writings relied upon were not proved in accordance with law, and the witness cited to support the taking of specimens failed to identify the applicants and did not meaningfully corroborate the procedure. Learned counsel also submits that the learned Trial Court, in order to bolster the prosecution case, undertook an independent comparison by relying on writings available in court proceedings, which according to him is an impermissible and hazardous course, particularly when the prosecution's own expert evidence is disputed. On this premise, it is submitted that the applicants have raised arguable issues going to the



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root of the evidentiary process, and that in a case where conviction rests predominantly on opinion evidence and serious infirmities are asserted, suspension of sentence pending appeal is warranted to protect liberty till final adjudication.

12. Mr. Ripudaman Bhardwaj, learned SPP for CBI opposes the grant of suspension of sentence and submits that the learned Special Judge was justified in holding that both applicants contributed to the falsification of the Society's record. It is submitted that Ashwani Sharma and Ashutosh Pant prepared false proceedings in their own handwriting and forged signatures on Society documents, and these findings were supported by the GEQD opinion.

13. Learned SPP further submits that the said forged and fabricated records were not innocuous, but formed part of the chain of acts used to revive the defunct Society and to project a valid membership and office-bearer structure before the authorities. The use of such false records induced the office of the Registrar Cooperative Societies⁴ to act upon them and, in consequence, the Delhi Development Authority⁵ to process the Society's case, culminating in allotment of land, thereby resulting in cheating of the concerned public departments on the strength of forged documentation.

14. Having heard learned Counsel appearing for Ashwani Sharma and Ashutosh Pant and the learned SPP for the CBI, and having perused the material on record, this Court notes that certain issues raised on behalf of the applicants are of such nature that they would warrant a detailed scrutiny of the evidence, which is more

⁴ hereinafter "RCS"

⁵ hereinafter "DDA"



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appropriately undertaken at the stage of final hearing of the appeals. In particular, the contention that the conviction *qua* these applicants rests substantially on the handwriting expert opinion of the GEQD, and the further question whether such opinion stands sufficiently corroborated by independent material on record, cannot be assessed without a meticulous re-appreciation of the documentary exhibits and the connected oral testimony.

15. Likewise, the challenge to the legality and proof of the specimen or admitted writings used for comparison raises foundational questions which require closer examination of the manner in which such writings were obtained, proved, and relied upon. The further aspect, namely whether any judicial comparison was undertaken by reference to writings available in court proceedings and whether such approach was permissible in the facts of the case, is also kept open to be examined at the stage of final hearing.

16. In the overall facts and circumstances, and applying the settled parameters governing suspension of sentence, this Court is of the view that the applicants have nonetheless made out a case for suspension of sentence.

Discussion qua Manoj Vats

17. The learned Special Judge recorded that the role attributed to Manoj Vats was limited. The allegation against him was that he appended his signatures on the Special General Body Meeting⁶ proceedings dated 27.01.1999, which, according to the prosecution,

⁶ hereinafter "GBM"
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was a bogus meeting conducted by co-accused Karamvir Singh. The impugned judgment notes that the said signature was treated as participation in the preparation of a false record, inasmuch as it was made on behalf of a person who, as per the prosecution case, had not attended the meeting.

18. Mr. Anuj Chauhan, learned Counsel on behalf of Manoj Vats, submitted that the role attributed to the applicant is extremely limited and is confined to a signature on the proceedings/minutes of the Special GBM dated 27.01.1999. It was urged that, even as per the prosecution case accepted in the impugned judgment, there is no allegation that the applicant was an office bearer of the Society, that he dealt with the RCS or the DDA at any stage, or that he participated in preparation or submission of any membership list, affidavits, resignation letters, or revival papers.

19. Learned Counsel further submitted that the conviction against the applicant proceeds substantially on opinion evidence, namely the handwriting/expert material, without independent corroboration of any agreement with the other accused. It was contended that the foundational admitted writings for a legally reliable comparison were not duly proved or taken in a manner which inspires confidence, and therefore the reliance on expert opinion, by itself, raises a serious and arguable issue for consideration in appeal. It was also urged that, at best, the record suggests a single act of signature on one set of minutes, and the prosecution has not produced material to show that the applicant knowingly furthered any unlawful design, or that he had knowledge of the object sought to be achieved.

20. Learned Counsel also submitted that the applicant has no



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criminal antecedents and no other case is stated to be pending against him, and that the possibility of his name being misused cannot be ruled out at this stage. It was further pointed out that the applicant was never arrested during investigation, that he joined and cooperated with the investigation, and that he remained available to the investigating agency prior to the filing of the chargesheet. On these premises, learned Counsel submits that the applicant has made out a fit case for suspension of sentence pending appeal.

21. Mr. Ripudaman Bhardwaj, learned SPP for the CBI, opposes the grant of suspension of sentence and submits that the learned Special Judge was justified in connecting Manoj Vats with the acts of the co-accused persons forming part of the revival exercise. It is urged that Manoj Vats signed on the proceedings of the Special GBM dated 27.01.1999, which, as per the prosecution case accepted in the impugned judgment, was a false meeting conducted by co-accused Karamvir Singh.

22. Learned SPP submits that the act of affixing his signature on such proceedings was not an isolated or innocent act, but reflected participation in the preparation and adoption of a false Society record, thereby supporting the inference of his involvement in the criminal conspiracy along with Maha Nand Sharma and Karamvir Singh.

23. Learned SPP further submits that the evidence against Manoj Vats is not confined to handwriting or expert opinion alone. It is argued that the record indicates his association with the Society since 1986 as a member, and certain documents also show that he remained an office bearer for a substantial period. In that backdrop, it is submitted that the learned Special Judge rightly noted that the



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applicant failed to explain the manipulations that occurred in the Society's records during the period of his association and tenure, and that the expert material was supported by the surrounding documentary and circumstantial evidence forming a coherent chain against him.

24. Having heard the learned Counsel for the applicant and the learned SPP for the CBI, and having perused the material on record, this Court notes that the contentions made on behalf of the applicant raise issues which would require a detailed re-appreciation of the evidence and cannot be conclusively determined at this stage. In particular, whether the applicant's role is confined to the signature on the Special GBM proceedings dated 27.01.1999, or whether the material indicates any wider involvement in the affairs of the Society, would depend upon a closer scrutiny of the documentary record and the connected oral evidence.

25. Likewise, the extent to which the findings against the applicant rest on handwriting or expert opinion evidence, and whether such evidence stands sufficiently corroborated by independent material, are matters which are more appropriately examined at the stage of final hearing of the appeal. Accordingly, this Court refrains from returning any final opinion on these aspects while considering the present application for suspension of sentence.

26. In the overall facts and circumstances, and applying the settled parameters governing suspension of sentence, this Court is of the view that the applicant has nonetheless made out a case for suspension of sentence.



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Discussion qua Karamvir Singh

27. The learned Special Judge recorded that the role attributed to Karamvir Singh, a public servant in the office of the RCS, was that he acted as Liquidator during the relevant period and, instead of discharging his statutory duties independently, facilitated the revival of the Society on the basis of forged and fabricated records. It was noted that he was serving as a clerk in the RCS office and was appointed as Liquidator on 08.01.1999. In that capacity, he received the Society's records from Maha Nand Sharma on 18.01.1999 in connection with the revival process.

28. The impugned judgment further notes that, under Section 66 of the Delhi Cooperative Societies Act, 1972⁷, a Liquidator is required to take custody and control of the Society's property, effects and records and to act in a manner that prevents loss or misuse. However, the learned Special Judge found that Karamvir Singh did not perform these duties in the manner expected of a Liquidator, and that his conduct reflected a lack of objective application of mind to the Society's record.

29. On appreciation of the material, the learned Special Judge concluded that Karamvir Singh acted at the behest of the co-accused and played a facilitating role in furthering the revival exercise through illegal means. In particular, the Court noted the preparation and use of the record of the Special GBM dated 27.01.1999 as a significant circumstance, holding that the said record was false and was generated in a manner that benefited the co-accused in securing revival. The

⁷ hereinafter "DCS Act"
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learned Special Judge held that such acts formed part of the conspiracy attributed by the prosecution and contributed to the induction of the RCS and, thereafter, the DDA into acting on the basis of false records, ultimately culminating in the allotment of land to the Society.

30. Mr. Amit Chadha, learned Senior Counsel on behalf of Karamvir Singh, submits that it is not in dispute that the applicant was appointed as the Liquidator of the Society on 08.01.1999. However, it is contended that the applicant's acts, as reflected in the record, were based on the material and representations placed before him by the then functionaries of the Society, including Maha Nand Sharma, and that the applicant did not originate or fabricate any record on his own. It is urged that the prosecution has not established any prior concert or independent *mens rea* on the part of the applicant to join any conspiracy for revival of the Society.

31. Learned Senior Counsel further submits that the conviction under the Prevention of Corruption Act proceeds on a broad-brush approach, without satisfying the essential ingredients of Section 13(1)(d) of the Prevention of Corruption Act, 1988⁸, particularly the requirement of a culpable act resulting in the obtaining of a pecuniary advantage for self or for another through corrupt or illegal means or abuse of position. It is pointed out that there is no allegation, much less proof, of any gratification, personal gain, or *quid pro quo* to the applicant, and that the record at best indicates discharge of an official role, the legality and *bona fides* of which are arguable in appeal. It was also submitted that the applicant has similarly been painted with the



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same brush, even though the basic ingredients of Section 13(1)(d) are not made out *qua* him.

32. Mr. Ripudaman Bhardwaj, learned SPP for CBI opposes and submits that the learned Special Judge rightly appreciated that Karamvir Singh was not a naive functionary and that, while acting as Liquidator, he consciously facilitated the process by which Maha Nand Sharma and other co-accused persons secured revival of the defunct Society. It is submitted that the record, as accepted in the impugned judgment, shows that the applicant was aware of the objective sought to be achieved and nevertheless proceeded in a manner that advanced the revival exercise, thereby lending legitimacy to a process founded on forged and fabricated material.

33. Learned SPP further submits that once the applicant was entrusted with the role of Liquidator, the scheme of the DCS Act required him to act responsibly and in accordance with law. It is urged that, in this backdrop, the applicant could not have turned a blind eye to the illegalities apparent from the records furnished by Maha Nand Sharma, and his conduct, as recorded by the learned Special Judge, squarely supports the finding of active and knowing participation in the illegal revival process.

34. Having heard learned Senior Counsel for the applicant and the learned SPP for the CBI, and having perused the material on record, this Court is of the view that, at the present stage of considering suspension of sentence, it would be inappropriate to return any conclusive finding on whether the acts attributed to the applicant constitute mere procedural lapses in discharge of his functions as

⁸ hereinafter "PC Act"
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Liquidator or amount to conscious participation in the scheme to revive the Society on the basis of forged and fabricated records.

35. The controversy regarding the applicant's statutory duties and obligations as Liquidator under the DCS Act, including whether the record placed before him bore clear red flags and whether he nevertheless acted to advance the revival process, would necessarily require a meticulous re-appreciation of the documentary material and the connected evidence.

36. Likewise, the question whether the ingredients of the charged offences, including the allegation of obtaining or facilitating undue advantage or wrongful benefit under Section 13(1)(d) of the PC Act, stand satisfied qua the applicant, is a matter which calls for merits-based scrutiny and is more appropriately examined at the stage of final hearing of the appeal. Accordingly, these issues are kept open.

37. In the overall facts and circumstances, and applying the settled parameters governing suspension of sentence, this Court is of the view that the applicant has nonetheless made out a case for suspension of sentence.

Discussion qua Sudarshan Tandon

38. The learned Special Judge recorded that Sudarshan Tandon was a promoter member of the Society and was instrumental in its registration in 1983. It was noted that he had moved the application for registration before the office of the RCS and thereafter corresponded with the RCS on behalf of the Society, furnishing documents and records as Secretary/custodian of the Society's file.

39. The impugned judgment further records the prosecution



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allegation that, during his tenure, the Society's records were manipulated and that he subsequently handed over the Society's records to Maha Nand Sharma. On an appreciation of the material relied upon by the prosecution, including the opinion of GEQD, Shimla, the learned Special Judge concluded that the falsified and forged records were utilised in the process of revival of the Society and that Sudarshan Tandon, acting in concert with the co-accused, contributed to such falsification and concealment of material facts, resulting in the RCS and the DDA being induced to act on the basis of such record, culminating in allotment of land to the Society.

40. Ms. Sonia Mathur, learned Senior Counsel on behalf of Sudarshan Tandon, submits that the applicant was a founder member and Secretary of the Society at the stage of its registration on 18.11.1983, and that the Society thereafter remained defunct for years, culminating in an order of liquidation dated 06.11.1990. It is urged that there was no activity attributable to the applicant till the revival process was set in motion much later in December 1998, and no role is assigned to him in the revival exercise undertaken thereafter by the later entrants and RCS officials. Learned Senior Counsel further submits that the Society was declared defunct because queries raised by the office of the RCS were not answered, and once a liquidator stood appointed, the control of the Society and its records statutorily shifted to the liquidator under the framework of the DCS Act.

41. Learned Senior Counsel argues that the applicant's act of handing over or parting with records cannot, by itself, be elevated to a conspiratorial role, particularly when such handover becomes a legal consequence of liquidation and assumption of charge by the



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liquidator, and when other office bearers also existed at the relevant time. It is further submitted that PW-49, who was the Investigating Officer⁹, deposed during trial that the applicant played no role in the revival of the Society, and the impugned judgment, according to the applicant, overlooks this material circumstance and proceeds in a manner that effectively reverses the burden. It is also urged that, even if lapses in record maintenance are assumed, mere improper maintenance of records, in the absence of dishonest or fraudulent intent or demonstrable gain, does not constitute criminality.

42. Learned Senior Counsel additionally challenges the manner in which the allegation of forgery is appreciated against the applicant, submitting that the finding proceeds on judicial comparison of signatures on resignation letters with signatures appearing in the evidence recorded during trial, without the support of scientific or expert opinion *qua* such disputed signatures. On the above premise, it is contended that the offences are of a documentary nature, that the applicant is a first time offender with no prior criminal record, that there is no material to suggest personal gain, and that age related medical issues and prolonged pendency are relevant factors warranting suspension of sentence during pendency of the appeal.

43. Mr. Ripudaman Bhardwaj, learned SPP for CBI opposes and submits that the learned Special Judge was correct in holding that Sudarshan Tandon, being the Secretary and custodian of the Society's records, carried a clear responsibility to maintain true and correct records, free from manipulation. It is urged that the impugned judgment rightly notes that the applicant, while maintaining records

⁹ hereinafter "IO"
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such as minutes of meetings, created false proceedings by reflecting attendance of persons as members and participants in meetings in the ordinary course, when such witnesses denied attendance and/or signatures, thereby demonstrating falsification at the very source of the Society's record.

44. Learned SPP further submits that the applicant's role cannot be diluted as merely administrative, since he was also the person who handed over the Society's records in his capacity as Secretary and custodian. It is emphasised that the learned Special Judge was also justified in drawing an adverse inference from the evidence that Sudarshan Tandon used to obtain signatures of members on blank papers, which, according to the prosecution, reveals lack of *bona fides* and points to an ulterior design in preparing and maintaining the Society's records. Such conduct, it is submitted, aligns with the object of the co-accused to revive the Society on the basis of false and forged documents, and therefore supports the finding of his participation in the criminal conspiracy.

45. Having heard the learned Senior Counsel for the applicant and the learned SPP for the CBI, and having perused the material on record, this Court is of the view that, at this stage of adjudicating the present application for suspension of sentence, it would be inappropriate to return any conclusive opinion on the nature and extent of the applicant's role without a meticulous re-appreciation of the documentary record and the connected oral evidence. In particular, whether the applicant's role is confined to his capacity as Secretary and custodian of the Society's records, including the lapses in maintenance and handling of such records, or whether the material



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establishes conscious participation in the scheme to revive the Society on the basis of false and forged documents, is an issue which can only be examined at the stage of final hearing of the appeal.

46. Likewise, the controversy regarding the evidentiary basis for the findings on forgery, including the allegations of fabrication of minutes and obtaining signatures on blank papers, would require a close scrutiny of the exhibits and the manner in which such evidence was led, tested in cross-examination, and appreciated by the learned Trial Court.

47. The applicant's reliance on the deposition of PW-49/IO, and the question as to how such deposition is to be reconciled with the other documentary and oral material relied upon by the prosecution, also cannot be decided in the limited remit of the present proceedings.

48. Furthermore, the rival contentions touching upon the applicant's asserted disassociation upon appointment of the Liquidator, the subsequent revival process, and the inferences drawn by the learned Trial Court on these aspects, would necessarily entail a deeper examination of the record. These issues are, accordingly, kept open to be considered at the stage of final hearing of the appeal.

49. In the overall facts and circumstances, and applying the settled parameters governing suspension of sentence, this Court is of the view that the applicant has nonetheless made out a case for suspension of sentence.

Discussion qua Narender Kumar

50. The learned Special Judge recorded that Narender Kumar, a public servant working as a Clerk in the office of the RCS, was



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appointed as the Election Officer for conducting the election of the Society. The allegation against him was that he submitted a false report, asserting that the election was held on 05.06.1999. The said report was accompanied by the minutes of the Special GBM as recorded in the Society's proceedings register, which bore purported signatures of several members, some of whom, during trial, denied having attended or signed the said proceedings. The prosecution further relied on the GEQD, Shimla report in support of its case that the record relating to the election proceedings was fabricated.

51. On this basis, the learned Special Judge concluded that Narender Kumar prepared a false record pertaining to the election dated 05.06.1999, and that such act formed part of the broader alleged conspiracy relating to the revival of the Society on the strength of false and forged documents. It was further held that by preparing and forwarding the said election record, he facilitated the process through which the Society ultimately secured allotment of land from the DDA, thereby resulting in wrongful pecuniary advantage to the co-accused and constituting criminal misconduct under Section 13(1)(d)(iii) of the PC Act.

52. Mr. C. Mohan Rao, learned Senior Counsel on behalf of Narender Kumar, submits that the applicant was merely a clerk in the office of the RCS and was assigned the limited role of Election Officer. It is urged that his conviction proceeds on the allegation that he submitted a false report in relation to the election stated to have been held on 05.06.1999, and that the meeting minutes accompanying the report bore signatures of certain members who later disputed participation. Learned Senior Counsel contends that, in substance, no



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“election” as such took place in the manner alleged and that the process was stated to be by unanimous voting, and therefore the allegation of a fabricated election exercise is seriously contestable in appeal.

53. It is further submitted that the prosecution has failed to prove the relevant documents in accordance with law and that none of the witnesses ever verified or proved the signatures attributed to the applicant. On this footing, it is argued that there is no reliable evidence to establish that the applicant was a participant in any criminal conspiracy, and that there is no material to show that he derived any pecuniary advantage or that any wrongful gain accrued to him.

54. Learned Senior Counsel also assails the applicability of Section 13(1)(d) of the PC Act to the applicant on the ground that the essential requirement of obtaining or facilitating “undue advantage” is not made out on the evidence as appreciated. It is additionally submitted that the sanction for prosecution is invalid, having been granted mechanically and without due application of mind, and that these issues raise substantial grounds which merit consideration in appeal, warranting suspension of sentence.

55. Mr. Ripudaman Bhardwaj, learned SPP for CBI opposes and submits that the learned Special Judge was justified in holding that Narender Kumar, a public servant in the office of the RCS and appointed as Election Officer, abused his official position by preparing and forwarding a false election report and connected record, which formed part of the forged documentary chain used for securing revival of the Society. It is urged that the applicant’s act was not a



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mere procedural lapse, but a deliberate facilitation of the illegal scheme, thereby attracting the offences for which he stands convicted.

56. Learned SPP further submits that the defence plea of absence of wrongful loss or wrongful gain is untenable, inasmuch as the Society ultimately secured allotment of land measuring 5000 sq. meters at Dheerpur on the strength of the false and forged record. It is contended that this by itself demonstrates wrongful gain to the Society and corresponding wrongful loss, and that the material on record establishes the applicant's participation in the conspiracy. It is also submitted that, in his capacity as Election Officer, the applicant was under a duty to verify the signatures and participation reflected in the minutes and report, and his failure to do so, coupled with the falsity found, supports the finding of conscious involvement.

57. Having heard the learned Senior Counsel for Narender Kumar and the learned SPP for the CBI, and having perused the material on record, this Court is of the view that the issues raised go beyond a *prima facie* appraisal and would require a detailed re-appreciation of evidence, which is appropriately undertaken at the stage of final hearing of the appeal. At this stage, this Court refrains from returning any conclusive opinion on the nature and extent of the applicant's role. In particular, whether the applicant's involvement is confined to his official act as an Election Officer in preparing and submitting the election report and the accompanying record, or whether the material establishes conscious participation in the larger conspiracy to revive the Society on the basis of false and forged documents, can only be assessed upon a meticulous examination of the documentary record and the connected oral evidence.



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58. Similarly, the issue whether the election proceedings and the connected minutes were false, including the prosecution case that certain members denied their signatures or participation, cannot be adjudicated at this stage without scrutinising the relevant exhibits, the manner in which such documents were proved, and the evidence led to support the allegation of fabrication. The contention relating to the applicant's statutory and official duty to verify signatures and attendance, and whether the alleged failure in that regard is merely an omission or reflects facilitation, also requires a merits-based evaluation.

59. Further, whether the ingredients of the charged offences, including the allegation of criminal misconduct under Section 13(1)(d) of the PC Act stand satisfied *qua* Narender Kumar, and whether the applicant's alleged act is sufficiently connected with the eventual allotment of land at Dheerpur so as to constitute wrongful gain and corresponding wrongful loss, are matters which this Court considers appropriate to keep open for final determination in appeal.

60. In the overall facts and circumstances, and applying the settled parameters governing suspension of sentence, this Court is of the view that the applicant has nonetheless made out a case for suspension of sentence.

Conclusion

61. Learned counsel appearing for the applicants, as well as the learned SPP for the CBI, have raised and rebutted multiple issues over the course of hearing. For the sake of brevity, this Court notes that the issues arising in the present applications traverse beyond a *prima facie* CRLA. 1527/2025 & connected matters



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appraisal and would require a detailed re-appreciation of the evidence, including the documentary record relied upon by the prosecution, the connected testimonies, and the manner in which such material has been appreciated by the learned Trial Court.

62. This Court also notes that there is a degree of overlap in the issues canvassed and, to some extent, in the roles attributed to the applicants. These matters are more appropriately examined at the stage of final hearing of the appeals.

63. The discussion on the law relating to criminal conspiracy has already been undertaken by this Court in its order dated 20.12.2025 and, for the sake of brevity, the same is not reiterated herein.

64. At the same time, this Court has borne in mind the settled parameters governing suspension of sentence pending appeal, including the nature of the offences, the role attributed to each applicant in the impugned judgment, the sentence awarded, the period of custody already undergone, and the conduct of the applicants during trial. This Court has also taken note of the medical grounds urged by certain applicants in support of their respective prayers. Further, having regard to the variety of issues arising for consideration in the appeals and the time likely to be taken for their final disposal, this Court is satisfied that the present applications merit favourable consideration, subject to appropriate conditions.

65. Accordingly, the sentences awarded to the applicants, namely Ashwani Sharma, Ashutosh Pant, Manoj Vats, Karamvir Singh, Sudarshan Tandon, and Narender Kumar, shall remain suspended during the pendency of the appeals. They are directed to be released on bail on each of them furnishing a personal bond in the sum of



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₹1,00,000 with one surety of the like amount, to the satisfaction of the learned Trial Court/Duty Judge, subject to the following terms and conditions:

- a) The applicants shall furnish their permanent addresses to the IO concerned within two weeks of their release and in case they change their addresses, they will inform the IO concerned and this Court;
- b) The applicants shall appear before the Court as and when the appeals are taken up for hearing;
- c) The applicants shall not leave the country without the prior permission of this Court; and
- d) The applicants shall not commit any offence during the period of their release.

66. It is clarified that nothing stated herein shall be construed as an expression on the merits of the case, and all rights and contentions of the parties are kept open to be urged at the time of final hearing.

67. The applications are allowed and disposed of in the aforementioned terms.

68. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.

AJAY DIGPAUL, J

DECEMBER 23, 2025/AS/yr