



2025:DHC:5147



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

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*Reserved on:08th April, 2025
Pronounced on:30th June, 2025*

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CR. REV.P.100/2013

CENTRAL BUREAU OF INVESTIGATION

Through Shri Ajay Kumar Pandey
Inspector of Police,
CBI, EOU-VII, New Delhi.
CBI Building, Plot No.5-B,
Lodhi Road, New Delhi-110003.

.....Petitioner

Through: Mr. Rajesh Kumar SPP, CBI with Ms.
Mishika Pandita and Mr. Changez
Khan, Advocates.

versus

1. **SMT. PRIYA JAIN**
W/o Shri J.K. Jain
31, Shankar Vihar
Delhi-110092.
2. **SHRI PRAVEEN JAIN**
S/o Late N.R. Jain
12, Dayanand Vihar,
Delhi-110092.
3. **SHRI VIRENDER KAUSHIK**
S/o Late Tara Chand Kaushik
1/B, Ghazipur Village,
IP Extention, Delhi Border,
Near Bharat Petroleum Petrol Pump,
Delhi.

.....Respondents

Through: Mr. Sunil Kumar, Mr. Ankit Dixit,
Mr. Surrender Kumar, Mr. Tushar



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Tyagi and Mr. Piyush Sharma,
Advocates for R-1 and R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Criminal Revision Petition under Section 397 read with Sections 401 and 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C"*) has been filed on behalf of the Revisionist, Central Bureau of Investigation (CBI) for setting aside of the Order dated 19.11.2012 *vide* which the three Respondents namely, Smt. Priya Jain, Shri Praveen Jain and Shri Virender Kaushik were discharged in the Case No.79/2011 arising out of RC No.1(E)/2006/EOU-VII/CBI/ND initiated by the Petitioner, CBI under Section 120-B Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) read with Section 420/511/468 & 471 IPC and Section 13(2) read with 13(1) (d) of Prevention of Corruption Act, 1988.

2. ***Brief facts*** as per the allegations made in the FIR, are that Nav Sarva Priya CGHS Society which was lying defunct, was got revived on 19.06.2000 on the basis of forged documents prepared by one Ashwani Kumar Sharma (accused in the Chargesheet) in collusion with the other co-accused persons to get the land allotted to the Society from Delhi Development Authority (DDA) at concessional rates.

3. The Nav Sarva Priya CGHS Society ("Society") was formed and registered with RCS Delhi *vide* Registration No.1293 (GH) on 10.01.1984 by a group of Teachers with the address at 98, Samaipur, Delhi. As per the bye-laws of the Society, land was to be obtained from DDA for constructing



residential accommodation for its members. The initial Promoter was Pratap Singh in the year 1984 and there was a list of 80 members which got increased to 105 members over a period of time.

4. The Society ran into trouble during the period 1989-91 when it was unable to communicate with RCS office relating to its functioning. The List of Members could also not be finalized despite repeated reminders to the Society which failed to respond to the Show Cause Notices issued to it. Finally, Liquidation Order was sent to the Society by Shri Satish Mathur, the then Deputy Registrar (GH) on 11.04.1991. Shri Pratap Singh the Secretary of the Society sent his first Letter dated 20.05.1991 to the Deputy Registrar objecting to the Orders of Liquidation. He also sent a Representations dated 20.09.1991 and 19.10.1991 to the Registrar and the then Hon'ble Lieutenant Governor (LG) respectively with a request to cancel the Order of Winding up of the Society. No Reply was received from the office of Hon'ble LG.

5. The file was sent to the Liquidation Branch and Shri H.K. Sharma was appointed as the Liquidator. However, the proceedings did not commence as Shri Pratap Singh, the Secretary failed to respond despite repeated Letters. On the transfer of Shri H.K. Sharma, Shri M.Mishra was appointed as the Liquidator.

6. The investigations in the FIR revealed that the process of allotment was changed by the DDA pursuant to the Order of this Court in *CWP No.2885 of 1990 Kaveri CGHS vs. Union of India and Ors.* It was directed by this Court that DDA shall maintain a Seniority list of CGHS on the basis of date of registration with the RCS and the land be allotted to the eligible CGHS as per the Seniority list.



7. Shri Praveen Kumar Jain claiming himself to be the Secretary of the Society, filed an Application dated 28.12.1999 with a request for revival of the Society, which was revived by the then RCS on 19.06.2000.

8. The Chargesheet further indicated that during the enquiry, Promoter Members of the Society denied their signatures on the resignations. It was found that accused Praveen Kumar Jain had got the Society revived on the basis of false and forged documents prepared by co-accused Ashwani Kumar Sharma, after a period of nine year of Orders of Liquidation on 16.04.1991. In the process of revival, forged resignations were taken on record and accepted and in their place family members/close relatives of accused Praveen Kumar Jain and Priya Jain i.e. Smt. Usha Jain, Smt. Jyoti Jain, Sh. Anand Kumar Jain and others were enrolled in the Society. Subsequently, they became the Members of the Management Committee of the Society. The Respondents Priya Jain and Praveen Kumar Jain were alleged to be the President and Secretary, respectively of the Society at the time of its revival.

9. The documents file of the Society remained with Shri Amar Singh till 1995 after which he handed over the same to Sh. Pratap Singh. It was further revealed that no meeting of the Society was held after 1990 and the proceedings shown after 1991, were false and forged.

10. The investigations further revealed that in the year 1996-97 the documents of the Society were disposed of by Shri Pratap Singh through one Sh. Rambir Singh, son of Sh. Maha Singh of Samaipur and one Shri S.C. Gola, both property dealers who were in contact with one M.M. Sharma Advocate who was ready to purchase the documents of the Society for a sum of Rs.1.20 lakhs on behalf of *Shri J.K. Jain, an Architect, who was building*



houses for a number of Societies. Sh. M.M Sharma, Advocate who had been instructed by Shri J.K. Jain to purchase the documents of the Society after inspection, had also informed Shri J.K. Jain that the party was demanding Rs.1.20 lakh as a price for the documents. The money was collected by Shri M.M Sharma from J.K. Jain and paid to Rambir Singh and S.C. Gola, from whom he took the documents of the Society.

11. Shri J.K. Jain connived with accused Virender Kaushik (Respondent No.3) and Ashwani Kumar Sharma, to prepare forged documents of the Society and used them for its revival unauthorizedly, in connivance with Shri M. Mishra Dealing Assistant (RCS). In the year 1999, accused J.K. Jain through Respondent No.3 Virender Kaushik, contacted the accused Ashwani Kumar to prepare the documents for revival of the Society.

12. The investigations revealed that such forged documents were used to file an Application for Revival of the Society on 28.12.1999 in the name of Praveen Jain. Shri M. Mishra, Dealing Assistant who was in touch with Shri Ashwani Kumar Sharma, on receiving the Application for Revival of the Society on 28.12.1999 placed the Note before Shri Narayan Singh AR, North West proposing to cancel the Winding up Orders of the Society and also to approve the List of 105 members. It was mentioned in this Note that M. Mishra had examined the complete records of the Society including Proceeding Register relating to M.C (Management Committee Meeting) GBM Membership Register, Audio Reports upto 1988-89, Unaudited Accounts of the Society till date and the documents relating to Special General Body Meeting.

13. Shri M. Mishra had also written in his Note that the documents were found complete and the Society had completed the statutory obligation



under the Act and the Rules thereunder i.e. election for MC members was held on 17.10.1999 and the audit was completed up to 1998-99. The Society had also produced records relating to Membership sent to DDA for allotment of land. The record of 105 Members had also been verified. According to the records out of previous list, 20 Members had taken back their payments. Photocopies of Resignation Letters, Management Committee Resolutions and proof of payment were submitted. 20 new Members had been enrolled against those Members who had resigned and the record was duly verified. The Record was sent to RCS for approving the List of 105 members and for cancelling the Winding up Order.

14. It was submitted in the Chargesheet that Shri M. Mishra had intentionally concealed that Shri Pratap Singh, original Secretary of the Society had appealed to Hon'ble LG in 1991 for cancelling the Liquidation Order for which the Reply was awaited. This fact did not find mention in the Note of Shri M. Mishra. He also failed to enquire from Shri H.K. Sharma, the previous Liquidator about the fate of the Members of the Society.

15. The Note was prepared by Shri M. Mishra along with the noting of Shri Narayan Singh Assistant Registrar that all the records have been verified and the proposal as proposed at 'A' may be approved. The Note was forwarded by Krishan Kumar Joint Registrar with an endorsement that the request may be considered after giving an opportunity and hearing by RCS on the date and time as may be mentioned.

16. The Notice was issued by the office of RCS to the Management Committee Members to appear on 08.06.2000 along with the Affidavit. In response to this Notice, accused Praveen Kumar Jain the alleged Secretary



of the Society appeared before RCS R.K. Srivastava in the presence of Narain Singh A/R and Krishan Kumar Joint Registrar. It was observed in the Chargesheet that the signatures of Shri Praveen Kumar Jain were forged, but he himself was appearing before the RCS, which clearly establishes that forgery was done at his instance.

17. Praveen Kumar Jain also produced the Affidavit which had the signatures of Priya Jain, Respondent No.1 in her capacity as President of the Society. Allegedly, Shri Virender Kaushik, Respondent No.3 was claimed to have forged the signatures of Shri Praveen Kumar Jain. The File was marked to Dy. Registrar B.M. Sethi with the recommendation for approval of cancelling of winding up proceedings under Section 63(3) of DCS Act and for forwarding the List of 105 Members to DDA for allotment of land. The revival of the Society was ordered by RCS on 8/9.06.2000.

18. It was claimed in the Chargesheet that Priya Jain being the sister of Praveen Kumar Jain, was well aware of the signatures of her brother Praveen Kumar Jain. She allowed the forged signatures of her brother which were forged by Respondent No.3 Virender Kaushik employee of her husband J.K Jain, to be submitted in the office of RCS on 08.06.2000.

19. Further investigations revealed that the Proceedings Register dated 08.02.1991 had been manipulated by Shri Virender Kaushik to reflect that 20 Members had resigned in the Meeting held by Abhay Singh, Shiv Lal, Ved Prakash, K.C Yadav and Jagdish Rai. Virender Kaushik forged the signatures of five members. 20 Members were shown to have resigned from primary membership by forging their signatures on the proceedings at the bottom of page have been forged by Virender Kaushik. It was also found that Virender Kaushik had manipulated the proceedings dated 11.03.1991



and signed as Abhay Singh, Shiv Lal, Ved Prakash, K.C. Yadav and Jagdish Rai, which was confirmed by the FSL Report. In this Meeting, ten new Members were shown to have been inducted.

20. It was further revealed that Virender Kaushik again manipulated the proceedings dated 04.04.1991 and signed as Abhay Singh, Shiv Lal and K.C. Yadav who were shown to have attended the Meeting. The forged signatures by Virender Kaushik were confirmed in the Handwriting Report except that of Ved Prakash.

21. Similarly, the Minutes of proceedings held on 17.10.1999 showing it to be attended by M. Raj, K. Kumari, H. Singh, Santosh Raj, Shiv Lal, Zile Singh and others, was also found to have been forged by Virender Kaushik. The Minutes were prepared by Ashwani Kumar as proved by the GEQD opinion. Virender Kaushik had written the names of the Members showing their presence and forged their signatures. In this General Body Meeting, ten new Members were inducted. Additionally, Respondent Priya Jain was shown to have been elected as President, Usha Jain as Vice President, Praveen Jain as Secretary, Jyoti Jain as Treasurer and Anand Kumar Jain as Member of the Management Committee.

22. It was further revealed during the investigations, that Narayan Singh A/R had put up the letter on 19.06.2000 along with the List of 105 Members of the Society before the RCS, New Delhi with a request that this Letter along with the list be forwarded to DDA for allotment of land.

23. It was further found that the Society was further sold to Jagjeet Singh, though no evidence came forth to substantiate this except the Statement of Navin Kaushik. Shri Paras Nath, Clerk, DDA confirmed that DDA did not allot any land to this Society and gave a Certificate to this effect.



24. On completion of investigations against all the accused including the public servants and after obtaining due sanction against the public Officers, the Chargesheet was filed in the Court.

25. *Learned Special Judge, CBI vide his Impugned Order dated 19.11.2012* discharged the three Respondents by finding that the allegations of alleged conspiracy against the three Respondents, was not prima facie made out from the investigations. *Aggrieved by the said Order of discharge of the three Respondents, the present Petition has been filed.*

26. *The grounds of challenge of Order of discharge* dated 19.11.2012 viz-a-viz the three Respondents are that it has not been appreciated that there was sufficient prima facie material against the Respondents to frame the Charge. In the case of Union of India vs. Praful Kumar Samal 1979 SCC (3) 609 the Apex Court observed that where the material before the Court discloses grave suspicion that the Court would be fully justified in framing the Charge.

27. It is further contended that in Ram Narain Popli vs. CBI 2003 (3) SCC 641 Apex Court had held that the criminal conspiracy is generally hatched in complete secrecy and direct evidence may not be possible, therefore, the same has to be inferred from the facts and circumstances which emerged during the investigations.

28. The Ld. Special Judge has ignored that at the stage of Charge, probative value of the evidence placed in the Chargesheet has to be examined to ascertain if there was sufficient material giving rise to grave suspicion. The material evidence has been ignored by the Ld. Special Judge while discharging the three Respondents. The Ld. Special Judge fell in error in observing that there was no connecting link to draw any inference of



conspiracy between Priya Jain and the other accused. The GEQD gave a positive Report about the signatures of Priya Jain on the Application for becoming the Member of Society. The original Affidavit signed by Priya Jain as President of the Society, has been used by the other accused persons for revival of Society. It is prima facie evident that the document was created pursuant to the criminal conspiracy by the accused persons along with Priya Jain, Praveen Jain and Virender Kaushik which were used as genuine in the office of Registrar, Co-operative Society.

29. The role of Respondent No.3 Virender Kaushik who forged most of the documents as evident from GEQD, has also not been considered. *It is, therefore, submitted that the Order of discharge against the three Respondents be set aside.*

30. ***The Respondent No.1 and 2 Ms. Priya Jain and Shri Praveen Kumar Jain in their detailed Reply*** had denied the averments made in the Petition.

31. It is asserted that the Report of GEQD has been procured with malafide intention to **implicate Priya Jain in the present case**. It is an admitted case of the Prosecution that the document was merely a photocopy and not the original. Photocopy cannot be used for comparison of alleged signatures with the admitted signatures.

32. It is further asserted that no date has been written by Respondent No.1 in her handwriting and the signatures are also forged and fabricated. She never applied for Membership of the Society nor did she attend any meeting or visited the office of RCS in any capacity. So much so, the name of the husband has been shown as Jitender Kumar and the address as 12, Dayanand Vihar, Delhi. The name of her husband has been erroneously reflected in all



the documents as Jitender Kumar, when in fact it is Jitender Kumar Jain. She had already got married in 1988 and from the year 1991 she was residing with her husband Jinendra Kumar Jain. Had she signed the documents, she would have atleast furnished her correct particulars and details in the documents, which also make it obvious that these documents were never signed by her.

33. Further, it is not the case of the Prosecution that the alleged photocopy of the Application for Membership, had been filled by Priya Jain. Moreover, the purported signatures on this Application alleged to be of her husband, are not those of her husband. There is nothing on record to reflect that Priya Jain ever appeared before the Notary Public or signed the alleged Affidavit in the presence of witnesses.

34. It is the admitted case of the Prosecution that all the signatures of answering Respondent No.1, Priya Jain in the entire proceedings are forged and fabricated except the signatures at three points. The GEQD had also opined in negative regard the alleged signatures at point Q560 and Q561. Bare comparison of the alleged signatures where by the GEQD has given a positive opinion, is evidently different from each other which can be made out by the naked eye. The opinion of GEQD is not reliable at all because the opinion has been formed on the basis of photocopied documents, which is not permissible. The procedure adopted by GEQD is imperfect, doubtful and cannot be the ground for framing of Charge against Respondent No.1, Priya Jain. Admittedly, there is no allegation against her of having prepared or forged or fabricated or used any document before the Authority. She is neither a builder nor the Prosecution has claimed her to be a builder.



35. It is further submitted that as per the Prosecution story, the alleged documents of Society were recovered from one Baljinder Singh alleged Secretary of the Society which included the documents pertaining to Respondent No.1 from his address 398, Nimri Colony, Delhi which has no concern with Respondent No.1.

36. It is claimed by the Prosecution that Respondent No.1, Priya Jain had allowed the forged signatures of her brother Praveen Jain/Respondent No.2 on the alleged Affidavit, which again is baseless as she had never signed the document bearing her incorrect particulars. She has been neither a beneficiary or a conspirator with other accused or else at least her particulars in the Affidavit would have been mentioned correctly. Moreover, no witness has given a Statement that she had ever received the documents of alleged Society. There is, therefore, no evidence against her and she has been rightly discharged.

37. Furthermore, as per the Prosecution story, she had been shown to have resigned on 02.05.2004. Admittedly, this Resignation also bears her forged signatures and she has not been a beneficiary. All signatures of Respondent No.1 on various documents are forged except one Affidavit dated 06.06.2000 and the Membership Application. As already stated, it is re-emphasized that the comparison of the signatures from a photocopy document is not tenable and any Report of GEQD based on a photocopied document is against the law.

38. It is further contended that no land was allotted to the Society by DDA nor any benefit was derived by the answering Respondents. No recovery of any incriminating material has been effected from them. The Ld.



Special Judge has coherently and cogently noted these reasons to justify the discharge of the Respondents.

39. *In regard to Respondent No.2, Shri Praveen Kumar Jain*, it is submitted that he never applied for Membership nor did he act as the Secretary of the Society and has no concern with the commission of the offence. Admittedly, he did not sign any document or proceeding relied upon by the Prosecution and all his signatures appearing in record are forged. His alleged presence on 08.06.2000 in the office of RCS, is nothing but a plan of Prosecution with malice to give undue benefit/safeguard to the actual offenders who were involved in the revival of the Society.

40. It is further contended that PW3 Narain Singh in his statement under Section 161 Cr.P.C., had stated that he did not recall if Praveen Jain was present before the RCS or if he was the President or the Secretary of the Society. Likewise, the statement of PW4 Shri Karan Singh is also not reliable as he stated that he was present along with Narain Singh before RCS as written in the Note and one person who identified himself as Praveen Jain, was also present in the proceedings held on 08.06.2000. The identity of the real President and Secretary could not be ascertained.

41. Surprisingly, PW3, Sh. Partap Singh on being shown the Passport of Respondent No.2, Praveen Jain identified him despite lapse of more than six years, as the person who had appeared before the RCS on 08.06.2000. These averments clearly demonstrate that they had identified the Respondent on behalf of Passport containing all the particulars of the person by the I.O., only to conceal their own misdeeds. There is no identity proof of Respondent No.2, Praveen Jain of having attended the Meeting on 08.06.2000 before the RCS or subsequently on record. The mode of



establishing the identity of Shri Praveen Jain, is contrary to law for which reliance has been placed on Vijayan @ Rajan vs. State AIR 1999 SC 1086. Furthermore, merely because some family members or relatives of the answering Respondents were shown as alleged Members and office bearers of the Society cannot be believed considering that all their particulars are incorrect. So much so, N.C. Jain, brother of Shri Praveen Jain has been shown to have resigned on 20.09.2002, who had in fact expired on 06.03.2000.

42. It is further contended that the allegations levelled by R.K. Srivastava, RCS, are self contradictory. PW 20 Baldev Singh in his statement dated 24.07.2007 had stated that his son Jagjit Singh was running the Society by the name of Nav Sarvpriya CGHS. The documents were admittedly recovered from Baljinder Singh, the alleged Secretary of the Society from his address at Nimri Colony.

43. It is thus, submitted that the learned Special Judge has duly considered the entire evidence as collected by the Prosecution to rightly discharge him. *It is, therefore, submitted that there is no merit in the Petition filed against Respondent No.1 and 2 by the Petitioner.*

44. ***The Respondent No.3 Virender Kaushik in his Counter Affidavit,*** submitted that the RC has been registered by the CBI without there being any formal Complaint or Complainant.

45. It is contended that there is no independent witness or evidence against the Answering Respondent, Sh. Virender Kaushik. The samples of handwriting, were obtained without permission of the Competent Court and the alleged opinion is vitiated and cannot be relied upon against the Respondent No. 3, Virender Kaushik.



46. The material placed on record by the Prosecution, does not in any manner connect him to the alleged hatched by other accused persons. He is also not a beneficiary of the alleged forgery. Furthermore, there was no land allotted to the Society and there was no loss caused to the exchequer. After so many years, no fruitful purpose would be served in undertaking the Prosecution without any substantial evidence basis. *It is, therefore, submitted that he has been rightly discharged and the Petition is liable to be dismissed.*

47. ***Written submissions have been filed by the Petitioner, CBI as well as the three Respondents*** which are similar to the contentions raised in their respective responses to the Petition.

48. **Submissions heard and record perused.**

49. At the outset, it is pertinent to note that the CBI had filed the Chargesheet in the Court on 31.07.2007, which pertained to alleged forgery committed in the year 1999 and 2000 for revival of the Society. While these three Respondents were discharged vide impugned Order dated 19.11.2012, the trial was conducted against all the other remaining accused, ***who all have been acquitted vide Judgment dated 17.02.2025.***

Case of the Prosecution, CBI:

50. Essentially, the case of the Prosecution is that the Nav Sarva Priya CGHS Society was formed in the year 1984 with the Membership of 80 Members, which got increased to 105, with the objective of getting the land allotted from DDA for raising the residential flats for its members. However, no land got allotted by the DDA and over a period of time the Members lost their interest and the Society practically became defunct. However, pursuant to the Orders of this Court in Writ Petition No. 2885 of



1990, wherein directions were given to DDA for allotment of land to the Societies, the present Society as well as various other similarly placed Societies, became active. According to CBI, the conspiracy was hatched by J.K Jain, husband of Respondent No.1 Priya Jain who entered into the criminal conspiracy with various other persons and fraudulently applied for revival of this Society without the knowledge of the Promoter Members of the Society. Forged documents were placed on record to submit Applications of 20 new Members who were the Respondent No.1 and 2 and their family members/friends. According to the Prosecution, Priya Jain was purportedly elected as the President while Praveen Jain Respondent No.2 her brother was shown as the Secretary of the Society, who applied for the revival of the Society on the basis of forged documents.

Respondent No. 1: Smt. Priya Jain

51. Essentially, the role assigned to Priya Jain Respondent No.1 was that she along with Praveen Jain and others, had submitted the forged documents for revival of the Society.

52. According to the Prosecution, the only incriminating document against Priya Jain Respondent No.1 was the Report of GEQD stating that the signatures on the Application submitted on behalf of Priya Jain, had her forged signatures.

53. Ld. Special Judge has rightly observed that had these documents been submitted by Priya Jain, there was no question of the same being forged and fabricated. In fact, the case of the Prosecution was that the conspiracy had been hatched by J.K Jain, husband of Respondent No.1 along with another person. Merely because the main accused J.K Jain happened to be the husband of Priya Jain, in itself cannot be considered as incriminating



evidence against her. Admittedly, all the documents submitted under her signatures were found to have her forged signatures.

54. The only documents on which her signatures were allegedly found to be genuine in the Report of the GEQD, was her Affidavit. Pertinently, the Affidavit was merely a photocopy and its original document was not obtained. Any hand opinion of the Expert on the basis of a photocopy cannot be considered of any evidentiary value. The Ld. Special Judge has rightly concluded that this sole opinion of GEQD based on a photocopy of a document cannot be considered prima facie as any evidence against her.

55. Furthermore, not a single witness of the Prosecution has given any incriminating statement against her. It is claimed that she had appeared before the RCS for the purpose of submission of the documents, but aside from assumptions and presumptions, there is not an iota of evidence to show that she ever appeared before the RCS. The only statement is of PW-3, Sh. Partap Singh who merely stated on the basis of the Notes prepared by the office RCS, that it was recorded that Priya Jain along with others had appeared before RCS on 08.06.2000. There is no identification of Priya Jain and the statement of PW-3, Sh. Partap Singh is merely based on the office Noting, but there is nothing to suggest that she ever appeared before the RCS.

56. This assumes importance in the light of the fact, as noted above, that all the documents had her forged signatures.

57. There is not an iota of evidence which could even prima facie reflect that there was any meeting of mind or that she was part of the conspiracy. The Ld. ASJ has rightly concluded that there was not even prima facie evidence to show that either she forged the signatures on the document for



revival of the Society nor has she otherwise been shown to be a part of conspiracy. ***Therefore, she has been rightly discharged under Section 468/471/120-B IPC.***

Respondent No. 2: Sh. Parveen Jain:

58. The main allegations against Praveen Jain were that he along with other accused, had submitted the forged documents for revival of the Society. As has been noted in the case of Priya Jain, there is no evidence whatsoever to even prima facie makes out a case against him. It is an admitted case of the Prosecution that none of the documents bear his signatures. As already noted above, had he been an active perpetrator of crime, there was no reason for him to have submitted the documents in his name under his forged signatures. Clearly, no prima facie case of any documents been forged or they being used as genuine by the Respondent No.2.

59. There were allegations in the Chargesheet that he had been appearing before the RCS. As noted earlier, such statements of the supporting witnesses was only based on the Office Notings, but there was nothing in the statements that they had identified the Respondents.

60. Furthermore, PW3 Sh. Partap Singh in his statement under Section 161 Cr.P.C dated 14.09.2006 had categorically stated that he did not recall being present before the RCS with Praveen Jain President or Secretary of the Society. Interestingly, for identification, the Passport of Praveen Jain was shown to him on which he stated in his statement under Section 161 Cr.P.C. that he was the one who had appeared before RCS on 04.09.2006.



61. The Ld. Special Judge has rightly noted that the identification of Praveen Jain merely on the basis of the photograph on his Passport shown to him, cannot be considered to be any identification.

62. Allegedly, Praveen Jain along with other co-accused, had appeared before the RCS in 2000 in the course of business. To say that PW3 Sh. Partap Singh and PW4 Sh. Karan Singh who did not remember him appearing, suddenly identified him from the photograph on Passport, cannot be considered of any significance or consequence. The identification of an accused should be essentially in a Test Identification Parade conducted physically. However, in special circumstances the identification may also be carried out by showing the photograph in case of non availability of the accused. In that situation also, the procedure to be followed is that the photographs of ten or more other persons must be mixed with that of the accused from which the witness may be asked to identify the accused person. Why this procedure has also not been followed, is not explained. It is but natural that if one photograph is shown to the witness as being that of an accused, he would definitely state in affirmative.

63. The Ld. Special Judge, has thus, rightly concluded that the conspiracy to get the Society revived on the basis of forged documents was essentially against J.K Jain, Virender and others. There is no incriminating evidence against Praveen Jain, who has been rightly discharged.

Respondent No. 3: Sh. Virender Kaushik:

64. In so far as Virender Kaushik is concerned, essentially the allegations are that all the signatures of Priya Jain, Praveen Jain and others on the documents including the Minutes of the Management Committee Meeting on various dates and of the alleged new members, have all been forged by



him. However, aside from the bald assertion, there is no cogent evidence to prima facie show that role of Virender Kaushik in the alleged forgery. There is no document to support the allegation of the forgery being committed by Virender Kaushik. Such bald statements without any cogent evidence are of no consequence and cannot be held to disclose any prima facie offence against the Respondent No.3. ***He has also been rightly discharged by the learned Special Judge.***

Conclusion:

65. It was the case of the Prosecution that the Conspiracy and forgery of documents and other proceedings, for revival of Society, was essentially hatched by M.M. Sharma Advocate who had purchased the documents of the Society for a sum of Rs.1.20 lakhs on behalf of *Shri J.K. Jain, an Architect, who was building houses for a number of Societies.* The money was collected by Shri M.M Sharma from J.K. Jain and paid to Rambir Singh, the erstwhile President of the Society and S.C. Gola, from whom he took the documents of the Society. Mr. J.K. Jain, M.M. Sharma and officials of the office of RoC, were identified as the perpetrators of the crime. The respondents names may have been used being the family members/ known persons, but it is evident that their names have been misused by the actual perpetrators. There is no incriminating evidence against them and they had been rightly discharged.

66. It may also be observed that after the trial, all the accused against whom Charge-Sheet was filed, have been acquitted vide ***Judgment dated 17.02.2025.*** The entire case of Conspiracy for revival of Society on the basis of alleged forged documents, has failed after the trial, again reinforcing the



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innocence of the Respondents, who were claimed to be a mere link in the commission of offence.

67. It is thus, concluded that there is no merit in the present Petition, which is hereby dismissed. Pending Applications, if any are also disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

JUNE 30, 2025
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