



2025:DHC:5203



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 03.07.2025*+ **CRL.M.C. 417/2025 & CRL.M.A. 1992/2025****MILI DEBNATH**

.....Petitioner

Through: Ms. Harsha Sharma, Mr. Anand
Dubey and Mr. Rahul,
Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the
State.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The petitioner, by way of this petition, seeks setting aside of order of cognizance dated 08.02.2024 [hereafter '*impugned order*'] passed by the learned Special Judge (PC Act)(ACB)-02, Rouse Avenue District Courts, New Delhi [hereafter '*Special Judge*'] in CC No. 28/2023, arising out of FIR No. 36/2018, registered on 07.02.2018 at Police Station Dwarka-South, Delhi, for offence punishable under Section 420 of the Indian Penal Code, 1860 [hereafter '*IPC*']. The petitioner further seeks quashing of supplementary chargesheet dated 05.02.2024 filed *qua* the petitioner in the said case.



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2. The present FIR was registered on the complaint of Mr. G.C. Joshi, Director, Centre for Cultural Resources and Training (CCRT), an autonomous organization under the aegis of the Ministry of Culture, Government of India, with its office located at Plot No. 15A, Sector-7, Dwarka, New Delhi. The complaint was received *vide* DD No. 27B dated 21.09.2017 at Police Station Dwarka South, Delhi. It was alleged that the CCRT provides scholarships to children aged between 10 to 14 years across various fields of art under a national-level scheme. Several complaints were received from the parents of selected scholarship recipients, stating that the scholarship amount had not been credited to their accounts, despite the same having been debited from the CCRT's account. It was further alleged that one Sandip Kumar, who had worked as a Programmer on a contractual basis for approximately seven years, had committed the fraud by taking advantage of a newly introduced system of transferring scholarship amounts via RTGS/NEFT mode starting in 2014. Under this system, the details of selected scholars, including their names, bank details, scholarship amount, and IDs, were forwarded by the Scholarship Section to the Accounts Section. The Accounts Section would then send this data in soft copy to the Canara Bank located in the same complex for processing the fund transfers. Sandip Kumar allegedly manipulated these lists by deleting the names of actual beneficiaries and inserting his own name, along with those of his wife and certain associates or acquaintances. Based on the above allegations, the present FIR was registered.



3. The records of the case reveal further that during the course of investigation, one Brijesh Kumar had approached the Hon'ble Delhi High Court by way of *W.P.(CRL.) 687/2019* seeking transfer of the investigation to the CBI. However, *vide* order dated 06.03.2018, the investigation was instead transferred to the Crime Branch. Upon completion of investigation, a chargesheet was filed on 15.10.2018 before the learned CMM, Dwarka Courts, against 11 accused persons under Sections 408/409/420/471/201/120B/34 of IPC. Subsequently, during further investigation, Sections 7 and 13 of the Prevention of Corruption Act, 1988 were also invoked against Mr. Girish Chandra Joshi, Mr. Anil Kohli, and others. A supplementary chargesheet was filed against accused persons numbered 12 to 16. Cognizance was taken by the learned Special Court on 27.10.2020.

4. During the stage of framing of charges, the learned Special Judge, *vide* order dated 29.03.2022, directed the matter to be sent back for further investigation, observing certain lacunae in the investigation, and instructed the concerned Investigating Officer (IO) to file a final report within six months. The original documents and the earlier final report were returned to the investigating agency for this purpose. In compliance with the said direction, a fresh chargesheet was filed on 20.04.2023 against 16 accused persons. Subsequently, on 02.11.2023, a first supplementary chargesheet was filed to place on record a certificate under Section 65B of the Indian Evidence Act pertaining to bank account statements.

5. It is pertinent to note that in the main chargesheet, the petitioner



herein was neither named as an accused nor shown as a suspect in Column 12. However, her name appeared in the list of account holders who had allegedly received amounts in connection with the fraudulent transactions. On 02.11.2023, during the course of proceedings, the learned Special Judge observed that the surety for Accused No. 4 (Mr. Prosanta Mondal) was one Ms. Mili Debnath, the petitioner herein, and accordingly directed the IO to verify whether she was the same Mili Debnath who had allegedly received an amount of ₹25,200 from CCRT on 02.12.2016.

6. Pursuant to the said direction, on 08.02.2024, the IO submitted that Ms. Mili Debnath, the surety for Accused No. 4, was indeed the same person who had received ₹25,200 from CCRT on the stated date in connection with the fraudulent transactions carried out by Accused No. 1. Accordingly, the IO, ACP Naresh Kumar, submitted a supplementary chargesheet (the impugned supplementary chargesheet) placing the petitioner in Column 12 of the chargesheet.

7. On the same date, i.e., 08.02.2024, the learned Special Judge passed the impugned order taking cognizance against the petitioner and summoned her accordingly. The said order reads as under:

“4. Upon inquiry regarding the direction given vide paragraph 5 of the order dated 02.11.2023, the IO, ACP Naresh Kumar has submitted that Ms. Mili Debnath, the surety of the accused no.4 (Sh. Prosanta Mandal) is the Ms. Mili Debnath, who had received Rs.25,200/- from CCRT, on account of the alleged fraud committed by the accused no.1, on 02.12.2016 and who was shown untraced in the charge-sheets filed till date. Further, the IO, ACP Naresh Kumar has submitted that he has now filed a supplementary charge-sheet in respect of Ms. Mili



Debnath, placing her as a suspect in column no.12.

5. The aforesaid charge-sheet has been perused. Upon perusal thereof, I am unable to agree with the conclusion of the IO that Ms. Mili Debnath should not be summoned to face trial in this case because she had provided her account number to her husband (accused no.4, Sh. Prosanta Mandal), who had in turn provided it to the accused no.1, Sh. Sandip Kumar; because she had no direct contact with the accused no.1, Sh. Sandip Kumar and because upon withdrawal of the part amount of Rs.15,000/- (out of Rs.25,200/-), she had immediately given the said amount to her husband (accused no.4, Sh. Prosanta Mandal). In my view, the fact that Ms. Mili Debnath had accepted Rs.25,200/- in her bank account without any protest and also allowed part of it viz. Rs.10,000/-- to be apportioned towards a loan is indicative of the position that Ms. Mili Debnath was equally complicit in the offences, alleged to have been committed in this case. Also, in my view, if Ms. Mili Debnath is let off, equity will get created in favour of the other accused, who also did not have any direct contact with the accused no.1, Sh. Sandip Kumar and had provided their bank accounts through accused like Sh. Kaushik Sinha Roy and Sh. Vishnu Prasad Tiwari. Accordingly, on the basis of all the charge-sheets filed till date, the cognizance of the subject offences is taken qua the accused, Ms. Mili Debnath also. Let the said accused be summoned through the IO, ACP Naresh Kumar, for the next date.

6. List for hearing of arguments on charge, on 07.03.2024.”

8. The learned counsel appearing for the petitioner contends that the petitioner has been falsely implicated in the present case, and that the order dated 08.02.2024 passed by the learned Special Judge is contrary to the settled principles of law. It is further submitted that the learned Special Judge erred in making observations against the petitioner by holding that the acceptance of ₹25,200/- in her bank account without protest, and permitting adjustment of ₹10,000/- towards a prior loan, was indicative of her complicity in the alleged



offences. The learned counsel argues that mere ownership of the bank account does not establish knowledge or involvement in the transaction, especially when the transfer was made online without any communication to the petitioner regarding its purpose or source.

9. It is further submitted that the petitioner had shared her bank account details with her husband in good faith, and had no knowledge either of the sender or of the reason behind the remittance. Her husband had sought her account details under the impression that he was receiving his long-overdue remuneration from Mr. Koushik Sinha Roy, for having assisted him and CCRT in organizing cultural programs in remote areas of West Bengal. It is contended that the Investigating Agency has not brought on record any new material against the petitioner in the supplementary charge sheet, which merely reiterates the same facts regarding the money transfer that were already reflected in the earlier charge sheet. The petitioner's name, it is argued, was mentioned only in Column No. 12 as a beneficiary, without any overt act or criminal intent being attributed to her. Therefore, it is prayed that the present petition be allowed.

10. The learned APP for the State submits that investigation in this case revealed that the petitioner, Ms. Mili Debnath, was not associated with CCRT or with any of the accused persons, including Mr. Koushik Sinha Roy and Mr. Sandip Kumar. It is stated that she had provided her bank account details to her husband, Mr. Prosanta Mondal, out of trust, being his wife. However, the fact remains that a sum of ₹25,200/- was transferred from the CCRT's bank account into



her account, making her a beneficiary of the cheated amount. Accordingly, her name was reflected in Column No. 12 of the second supplementary charge sheet. It is further submitted that based on this supplementary charge sheet, the learned Special Judge took cognizance of the matter and passed the impugned order dated 08.02.2024.

11. This Court has **heard** arguments addressed on behalf of either side, and has perused the material placed on record.

12. This Court is of the opinion that after registration of the FIR, the investigating agency initially investigated the case, and subsequently, *vide* order dated 29.03.2022, the learned Special Judge directed further investigation. Pursuant to this direction, further investigation was carried out and a fresh chargesheet was filed on 20.04.2023, wherein the present petitioner was not named as an accused. Thereafter, a supplementary chargesheet dated 05.02.2024 was filed, in which the petitioner was mentioned in Column No. 12. As per the Status Report and the said supplementary chargesheet, even after further investigation, the investigating agency has attributed the following role to the petitioner:

- A sum of ₹25,200/- was credited to the petitioner's bank account at Bangiya Gramin Vikash Bank, Taldi Branch, District 24 Parganas South, West Bengal on 02.12.2016, from the bank account of CCRT. Of this amount, ₹10,000/- was adjusted by the bank towards an earlier advance on 03.12.2016, and



₹15,000/- was withdrawn in cash.

- The petitioner, Ms. Mili Debnath, stated that she was residing with her husband and children and earned a livelihood by giving private tuitions. She disclosed that her husband had asked for her bank account details to receive some money, and she had shared them in good faith. Upon receipt of the amount, she had withdrawn ₹15,000/- at her husband's instructions and had handed it over to him. She claimed to have no knowledge of the sender or the purpose of the remittance.
- During investigation, her husband, Mr. Prosanta Mondal, admitted that he had provided both his and his wife's bank account details to receive funds from Mr. Koushik Sinha Roy of CCRT, purportedly for helping organize cultural events. He confirmed that ₹25,200/- was received in his wife's account, of which ₹15,000/- was handed over to him and ₹10,000/- was adjusted by the bank.
- The investigation did not reveal association of the petitioner with CCRT or any of the accused persons. However, since the sum of ₹25,200/-, allegedly being part of the cheated amount, was received in her bank account, her name was included in Column No. 12 of the second supplementary chargesheet as a beneficiary.

13. This Court is of the view that there is no cavil regarding the settled position of law that an accused can be summoned even if he or she is shown in Column No. 12 of the chargesheet, i.e., as a suspect.



The learned Special Judge is not bound by the conclusion drawn by the investigating agency and is well within his powers to differ from the opinion of the investigating agency, if the material on record justifies summoning the accused. However, in a case where an accused was not named in the chargesheet earlier, and even now, she has been kept in Column No. 12 filed after further investigation, and where the investigating agency has once again concluded that there is no sufficient evidence against such accused, the learned Special Judge is expected to record reasons for taking a contrary view and for summoning such a person to face trial. In the present case, this Court notes that the investigation has revealed that the petitioner is the wife of one of the co-accused, namely, Prosanta Mondal. It has further come to light that the petitioner was not found to be connected with the alleged offence in any manner, and she was never arrested during the course of investigation.

14. The learned Special Judge, in the impugned order, has opined that – *“In my view, the fact that Ms. Mili Debnath had accepted Rs.25,200/- in her bank account without any protest and also allowed part of it viz. Rs.10,000/-- to be apportioned towards a loan is indicative of the position that Ms. Mili Debnath was equally complicit in the offences, alleged to have been committed in this case. Also, in my view, if Ms. Mili Debnath is let off, equity will get created in favour of the other accused, who also did not have any direct contact with the accused no.1, Sh. Sandip Kumar and had provided their bank accounts through accused like Sh. Kaushik Sinha Roy and Sh. Vishnu*



Prasad Tiwari.” However, this Court notes that, as per the fresh chargesheet, the specific and detailed roles of co-accused Sandip Kumar, Vishnu Prasad Tiwari @ Rajesh Tiwari, Jay Prakash Pal @ Nanhe, Chandra Prakash Mishra, Prosanta Mondal, Kaushik Sinha Roy, Mihir Chakraborty, Supriya Das, Tapasi Mukherjee, Deep Mishra, and Nabendu Gupta have been clearly outlined. Therefore, the reasoning that summoning Ms. Mili Debnath was necessary to avoid creating equity in favour of the other accused is misplaced. Even otherwise, if there is insufficient evidence against a particular accused, the mere apprehension that it may create parity or equity with other accused persons cannot, in law, be a valid ground to summon such a person to face trial. Summoning must be based solely on the material on record demonstrating *prima facie* involvement in the alleged offence.

15. The law is well-settled that before a person can be summoned to face trial, there must be sufficient material on record to give rise to a strong suspicion that the person was involved in the commission of the offence. In particular, the Court must be satisfied that: (i) the accused was *prima facie* a party to the offence, and (ii) there exists sufficient ground to justify summoning him/her to stand trial. It is equally settled that facing a criminal trial is not a matter to be taken lightly, as it entails serious consequences for the individual concerned, including social stigma, mental agony, and reputational harm. In ***Pepsi Foods Ltd. v. Special Judicial Magistrate: (1998) 5 SCC 749***, the Hon’ble Supreme Court emphasized that summoning of an accused in



a criminal case is a serious matter, and the criminal law cannot be set into motion as a matter of course.

16. In the present case, the learned Special Judge has not recorded any cogent reason for disagreeing with the investigating agency's consistent stand in both the chargesheet and the supplementary chargesheet that no evidence was found against the petitioner. There is no indication in the impugned order as to what material was relied upon to differ from the conclusion of the investigating agency or how the petitioner could be linked either with the alleged conspiracy or the substantive offence. The petitioner has not been arrested during investigation, and no role has been attributed to her beyond the mere receipt of money in her account, which the chargesheet itself explains and does not attribute any criminal intent to.

17. Summoning an accused merely on the apprehension that letting him or her off may create equity in favour of other co-accused – without any supporting evidence – cannot form the legal basis for compelling a person to undergo the rigors of trial. In the absence of clear and sufficient reasons justifying such disagreement with the investigation, and without any material demonstrating the petitioner's involvement in the offence, this Court is of the opinion that the summoning order is legally unsustainable.

18. Accordingly, the order of cognizance dated 08.02.2024 passed by the learned Special Judge is quashed.

19. In view of the above, the present petition stands disposed of.



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Pending application, if any, also stands disposed of.

20. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 03, 2025/vc