IN THE COURT OF SH SUKHJEET SINGH, JUDICIAL MAGISTRATE FIRST CLASS - 06, SOUTH DISTRICT, SAKET COURTS, DELHI

STATE VS. Gobind Verma
FIR No. : 598/2020
PS : Hauz Khas
U/s : 420/468/471 IPC

JUDGMENT

A.	Sl. No. of the Case	1519/2026
B.	Date of Commission of offence	May 2012
C.	Date of FIR	16.12.2020
D.	Date of charge-sheet	01.04.2026
E.	Name of the complainant	Vishnu Sharma
F.	Name of the accused persons, their parentage and residence	Gobind Verma S/o Sh. Tara Chand Verma, R/o H.No. 28/241, Dev Nagar, Sonipat, Haryana.
G.	Offence complained of or proved	420/468/471 IPC
H.	Date of framing of charges	15.04.2026
I.	Plea of the accused	Pleaded not guilty
J.	Date on which judgment is reserved	25.06.2026
K.	Final Order	Acquitted
L.	Date of Judgment	15.07.2026

Brief facts of the present case

1. The prosecution case is that in May 2012, at the office of the Bar Council of Delhi, situated at 2/6, Siri Fort Institutional Area, Khel Gaon Marg, New Delhi, within the jurisdiction of PS Hauz Khas, the accused dishonestly obtained enrollment as an Advocate by submitting and using forged educational documents, namely an LLB Degree and Mark-sheets purportedly issued by Lucknow University, Lucknow, as genuine. It is alleged that, by relying upon these forged documents, the accused induced the Bar Council of Delhi to grant enrollment and was accordingly enrolled as an Advocate bearing Enrollment No. D/1125/2012. The prosecution further alleges that the said LLB Degree and Mark-sheets were forged, and that the accused knowingly used them as genuine for the purpose of obtaining enrollment, thereby committing the alleged offences punishable under law. On the complaint, FIR was registered in the case. After completing the investigation, charge-sheet was filed against accused. Cognizance of the same was taken.

Framing of charge

2. After compliance of Section 207 Cr.P.C., vide order dated 15.04.2026 charge was framed against accused for the offence u/s 420/468/471 IPC to which the accused pleaded not guilty and claimed trial.

Prosecution Evidence

3. In support of its case, the prosecution had examined 9 witnesses. PW1 DK Sharma, PW2 Inder Lal, PW3 Balbir Singh,, PW4 Lakshmi Kant

Mishra, PW5 Vijay Kumar, PW6 Pankaj Tyagi, PW7 Varun Gulia, PW8 SI Rahul Nimesh and PW9 SI Deependra.

4. PW1 DK Sharma had deposed in his testimony that he has brought the authority letter with respect to his authority to depose on behalf of Secretary, BCD , New Delhi, vide Ex PW 1/A. The said authority letter bears the seal of the BCD at point B and signature of Sh Vinod Sharma, Superintendent BCD at point C. The complaint dt 04.04.2019 was made by Vishnu Sharma, honorary Secretary, BCD. He has been working at BCD since January 2017 and as such he had worked with Vishnu Sharma so he can identify his signature on the said complaint. The same is Ex PW 1/B. the letter dt 02.11.2018 bearing no CE/521/18 so issued by office of the Controller of Examination, University of Lucknow which reflects the record of Gobind Verma not being found is Ex P1 (OSR) (Objected to by the Ld counsel for accused). The show cause notice dt 05.12.2018, bearing no. SCN/143/52/2018 so given to accused Gobind Verma in this regard is Ex. PW1/C bearing the signature of Vishnu Sharma at point A. The postal receipt in this regard is Ex P2 (OSR). The provisional certificate, bearing no. T850418, issued by University of Lucknow, so given by the accused at the time of enrollment is now Ex P3 (OSR). The medium certificate, so on record, of University of Lucknow, is Mk X1. The affidavit dt 29.05.2012 so provided by accused with respect to Llb from Lucknow University is Ex P4(OSR). The educational documents of Maharishi Dayanand University, matriculation examination are Mk X2 (Colly 2 pages). The office report with respect to the accused Gobind

Verma along with the enrollment certificate is **Ex P5(OSR)**.

5. PW2 Inder Lal had deposed in his testimony that he had come before the court in pursuance of the summons issued in his name. On perusal of judicial record, one confidential letter of Office of the Controller of Examination, University of Lucknow bearing no. 394 dt 29.05.2021 is found on record. On perusal of the same, the witness deposes that the letter was issued regarding verification of candidates bearing Roll nos. 840264 (Subhash Chandra) and 850418 (Gobind Verma) and after the due verification of the letter was issued which is **Ex PW 2/1**. The witness further deposes that the letter also bears the signature of Sh Sunil Kumar at point A1. He is familiar with the handwriting and signature of Sh Sunil Kumar as he has worked with him.

6. PW3 Balbir Singh had deposed in his testimony that he had come before the court in pursuance of the summons issued in his name. On perusal of judicial record, one confidential letter of Office of the Controller of Examination, University of Lucknow bearing no. 394 dt 29.05.2021 is found on record. On perusal of the same, the witness deposes that the letter was issued regarding verification of candidates bearing Roll nos. 840264 (Subhash Chandra) and 850418 (Gobind Verma) and after the due verification of the letter was issued which is already **Ex PW 2/1** bearing his signature at point B.

7. PW4 Lakshmi Kant Mishra had deposed in his testimony that he is currently posted as Asst. Registrar in University of Lucknow, UP. He had come

to court in pursuance of summons issued to Registrar University of Lucknow. The witness has produced authority letter issued by Registrar, University of Lucknow authorizing the witness to appear before the court which is **Ex.PW4/1**. The witness has also produced the certified copy of verification report and certified copy of tabulation chart. On perusal of judicial record, the verification report is found on record which is already Ex.PW2/1. After perusal of the same, the witness deposes that the same bears the signature of the then Deputy Registrar namely V.P. Kaushal and Controller of Examination namely A.M Saxena at point C and D respectively. The certified copy of tabular chart provided by witness is also taken on record which is **Ex.PW4/2**. The witness deposes that the same bears the signature of the then official and copy is certified and attested by Deputy Registrar (Exam), University of Lucknow at point A.

8. PW5 Vijay Kumar had deposed in his testimony that he is an advocate having chamber at Sonipat District Court. He has passed his Law Degree in 1998-2000 from Sharma College Karnal, affiliated by Lucknow University. He got admission in law school alongwith Pankaj Tyagi and Govind Verma. Admission was done through by one person namely Vajpayee and they used to pay fee of Rs. 10,000/- in cash to him. Roll number cards were given by Vajpayee and he used to take back the same after examination and after completion of the course he handed over his marksheet alongwith provisional certificate and other documents. Vajpayee also handed over certificate of his friend Gobind who had his shop in Sonipat but was not a legal practitioner.

Accused applied for enrollment on his advice with Delhi Bar Council and on his enrollment they came to know that his law degree was forged. There after they tried to contact Vajpayee but in vain. In 2023 police officials inquired him and he gave his statement to them. Witness had correctly identified the accused. PW6 Pankaj Tyagi had also deposed the same in his testimony.

9. PW7 Varun Gulia had deposed in his testimony that on 28.11.2020 he was posted as SI at PS Hauz Khas. On that day, he had endorsed the complaint of Mr Vishnu Sharma, Secy BCD vide *rukka* **ExPW7/A**. FIR was registered on the basis of the same. During investigation, he had sent a notice u/s 91 CrPC to Registrar, Lucknow University. The said notice and the reply was received. The notice is now **ExPW7/B** bearing his signature at point A. He had given notice u/s 41 CrPC to accused Gobind Verma. The said notice is **ExPW7/C** bearing his signature at point A. Accused were interrogated and the said report is **ExPW7/D**. He had also given a notice dt 24.11.2021 to accused which is **ExPW7/E**. The notice given to the Chairman, BCD is **ExPW7/F** bearing his signature at point A. Thereafter, he was transferred from the concerned PS and the file was handed over to MHCM. Witness had correctly identified the accused.

10. PW8 SI Rahul Nimesh had deposed in his testimony that on 10.06.2022, he was posted as SI at PS Hauz Khas. On that day he had received the investigation of the present case file. However, he was transferred and he handed over the file to MHCR.

11. PW9 SI Deependra had deposed in his testimony that on 16.08.2022, he was posted as SI at PS Hauz Khas. On that day, the investigation of the present case was marked to him. During investigation, he had given notice to accused Gobind Verma and made him join the investigation. The said notice is **ExPW9/A** bearing his signature at point A. The interrogation report of accused Gobind Verma is **ExPW9/B** bearing his signature at point A. The seizure memo wrt the affidavit provided by accused is **ExPW9/C** bearing his signature at point A. During investigation, he had examined Vijay Kumar and Pankaj Tyagi who were the college colleagues of accused Gobind Verma. Their statements u/s 161 CrPC was got recorded by him. Their educational documents so on record are **MarkX1(colly 4 pages)**. He had also tried to trace Sharma College at Karnal however, the details could not be procured. The bound down memo wrt accused is **ExPW9/D** bearing his signature at point A. Thereafter, he prepared the chargesheet and submitted the same before the Ld Court. Witness had correctly identified the accused.

<u>Statement of accused</u>

12. The examination of accused u/s 313 r/w 281 Cr.P.C. was recorded in which he stated that he is innocent. He has been falsely implicated.

13. Accused did not lead defence evidence. Thereafter matter was fixed for final arguments.

14. Final arguments addressed by the Ld. APP for State and Ld. Counsel for accused were heard and case file was perused.

15. **Section 420 Indian Penal Code** deals with Cheating and dishonestly inducing delivery of property. *The provision reads as -*

"Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

Section 468 IPC provides punishment for "*forgery for the purpose of cheating*". As per the Section, "*whoever commits forgery intending that the document or electronic record forged shall be used for the purpose of cheating shall be punished with imprisonment of either description for a term which may extend to 7 years and shall also be liable to fine*".

Section 471 IPC prescribes punishment for 'using forged document'. *According to the said section using a forged document as genuine is a cognizable offence. It states that 'whoever fraudulently or dishonestly accepts as the genuine document which he knows or has ground to believe to be a forged document, shall be punished in the corresponding manner as if he had forged such document.''Forgery' and 'Fraud' are essentially matters of evidence which could be proved as a fact by direct evidence or by inferences drawn from proved facts.*

16. The prosecution case is that in May 2012, at the office of the Bar Council of Delhi, situated at 2/6, Siri Fort Institutional Area, Khel Gaon Marg, New Delhi, within the jurisdiction of PS Hauz Khas, the accused dishonestly obtained enrollment as an Advocate by submitting and using forged educational documents, namely an LLB Degree and Mark-sheets purportedly issued by Lucknow University, Lucknow, as genuine. It is alleged that, by relying upon these forged documents, the accused induced the Bar Council of Delhi to grant enrollment and was accordingly enrolled as an Advocate bearing Enrollment No. D/1125/2012. The prosecution further alleges that the said LLB Degree and Mark-sheets were forged, and that the accused knowingly used them as genuine for the purpose of obtaining enrollment, thereby committing the alleged offences punishable under law. It is a settled law that the condition precedent for offence u/s 468 and 471 is forgery and the condition precedent for forgery is making a false document or false electronic record. The present case does not relate to any false electronic record. Hence, the question in present case arises that whether the accused can be said to have made and executed alleged false documents. Section 463 IPC defines offence of forgery while section 464 IPC substantiates the same by providing answer as to when a false document could be said to have been made for the purpose of committing offence of forgery u/s 463 IPC. It is the settled law that charge of forgery can be imposed or sustained against a person who is the maker of the false documents in question. As explanation II to Section 464 further clarifies for constituting offence u/s 464, it is imperative that a false document is made and the accused person is the maker of the same, otherwise accused person is not liable for offence of forgery. In

"***Mohd. Ibrahim And Anr Vs State of Bihar And Anr, 2009 (8) SSC, 751***" the Hon'ble Supreme Court observed; *that to attract the offence of forgery as defined u/s 463 IPC depends upon a creation of document as defined u/s 464 IPC. It is further observed that mere execution of a sale deed by claiming that property being sold was executant's property did not amount to commission of offences which is punishable u/s 467 and 471 IPC even if title of property did not vest in the executant*.

In the case at hand, the prosecution has failed to place any material on record to establish that the accused is the maker of the alleged forged documents. None of the prosecution witnesses has stated that the accused prepared or fabricated the said documents. Further, no stamp, seal, equipment, or any other incriminating material allegedly used in the preparation of the forged documents has been recovered from the accused. A perusal of the record further reveals that the prosecution is silent on the crucial aspect of whether the accused was, in fact, the maker of the alleged forged documents. Mere fact that the accused is beneficiary of the alleged forged document in itself is not sufficient to convict the accused for the offence of forgery. Reliance can be placed upon, "***Sheila Sebastian Vs R. Jawaharaj And Anr***"

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26. *The definition of "false document" is a part of the definition of "forgery". Both must be read together. "Forgery" and "fraud" are essentially matters of evidence which could be proved as a fact by direct evidence or by inferences drawn from proved facts. In the case in hand, there is no finding* *recorded by the trial court that the respondents have made any false document or part of the document/record to execute mortgage deed under the guise of that "false document". Hence, neither Respondent 1 nor Respondent 2 can be held as makers of the forged documents. It is the imposter who can be said to have made the false document by committing forgery. In such an event the trial court as well as the appellate court misguided themselves by convicting the accused. Therefore, the High Court has rightly acquitted the accused based on the settled legal position and we find no reason to interfere with the same.*

27. A reasonable doubt has already been thoroughly explained in Latesh v. State of Maharashtra wherein "reasonable doubt" has been enunciated by this Court as (at SCC p. 83, para 46) "a mean between excessive caution and excessive indifference to a doubt, further it has been elaborated that reasonable doubt must be a practical one and not an abstract theoretical hypothesis".

28. In this case at hand, the imposter has not been found or investigated into by the officer concerned. Nothing has been spilled on the relationship between the imposter and Respondent 1. Law is well settled with regard to the fact that however strong the suspicion may be, it cannot take the place of proof. Strong suspicion, coincidence, grave doubt cannot take the place of proof. Always a duty is cast upon the courts to ensure that suspicion does not take place of the legal proof. In this case, the trial court as well as the appellate court got carried away by the fact that accused is the beneficiary or the executant of the mortgage deed, where the prosecution miserably failed to *prove the first transaction i.e. PoA as a fraudulent and forged transaction. The standard of proof in a criminal trial is proof beyond reasonable doubt because the right to personal liberty of a citizen can never be taken away by the standard of preponderance of probability*.

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b) It is a settled proposition of law that, in order to bring home an offence punishable under Section 420 IPC, the prosecution is required to establish the essential ingredients of deception and dishonest inducement on the part of the accused. The dishonest intention must exist at the very inception of the transaction and should be coupled with an intention to cause wrongful gain to one person or wrongful loss to another. In the present case, the prosecution has not placed on record any material to demonstrate that the accused derived any benefit on the strength of the impugned enrollment. Further, no evidence has been led to show that the accused ever practised as an Advocate before any Court, Tribunal or other authority, participated in any election of the Bar Council, or otherwise represented himself as a member of the legal fraternity so as to derive any pecuniary or other advantage from the said enrollment. It is the defence of the accused that he had taken admission in Sharma College, Karnal, which was affiliated by the Lucknow University. It is further the case of the accused that, acting in good faith, he submitted his requisite original documents, paid the prescribed fees, attended classes and appeared in the examinations conducted by the college. According to the accused, it was only after registration of the present FIR that he came to know that the said alleged documents are not genuine. It is further argued that the aforesaid defence also finds support from the testimonies of PW-5 Sh. Vijay Kumar and PW-6 Sh. Pankaj Tyagi, who have categorically deposed that accused was their classmate and all of them had taken admission in Sharma College, Karnal affiliated by the Lucknow University and passed the LLB degree in the year 1998-2000. It is further deposed by them that both of them are practising advocate and their degrees are found to be genuine. Further during the cross examination of the IO, he admitted that during investigation, it was revealed that accused Gobind had taken admission in LLB in Sharma College at Karnal and it was also revealed that the accused had attended classes and he had appeared in LLB examination alongwith PW5 Vijay Kumar and PW6 Pankaj Tyagi. It is further admitted by the IO that the said Sharma College was in existence during the relevant period. It is further admitted by the IO that during investigation, he did not find any evidence to contradict the version of accused Gobind. In the aforesaid circumstances, the prosecution has failed to bring on record any evidence to establish that the accused was aware that the alleged documents obtained by him were forged. Likewise, there is no material to show that the accused was involved in the preparation or procurement of the alleged forged degree or mark-sheets, or that he had any prior knowledge regarding their forged nature. Hence, in the absence of any evidence establishing such knowledge or participation, the requisite dishonest intention or fraudulent inducement cannot be attributed to the accused merely because he obtained enrollment on the basis of the said documents. Further, there is also no material to infer that, at the time of seeking enrollment with the Bar Council of Delhi, the accused knowingly intended to deceive the Bar Council or to secure enrollment by fraudulent means. Thus, the essential ingredient of mens rea, which forms the foundation of the offence punishable under Section 420 IPC, remains unproved.

c) Further, the essential ingredients of the offence punishable under Section 471 IPC are: (i) fraudulent or dishonest use of a document as genuine; and (ii) knowledge or reason to believe on the part of the person using the document that it is a forged one. Section 471 IPC is intended to apply to a person who uses a forged document as genuine, irrespective of whether he is himself the maker of the forged document. It is also well settled that, to attract the provisions of Section 471 IPC, it is not necessary that the person using the forged document must also be convicted of the offence of forgery. However, the prosecution is under a legal obligation to establish not only that the document in question is forged but also that the accused used the said document fraudulently or dishonestly and with the knowledge or reason to believe that the same was forged. In the present case, although the prosecution has sought to establish that the LL.B. degree and mark-sheets submitted by the accused were forged but they have failed to adduce any cogent evidence to prove that the accused had knowledge or reason to believe that the said documents were forged at the time they were submitted before the Bar Council of Delhi. As already discussed hereinabove, the defence of the accused that he had taken admission in Sharma College, Karnal in the ordinary course, attended classes, appeared in the examinations and remained under the bona fide belief that the institute was a genuine educational institution, has not been effectively demolished by the prosecution. Rather, the testimonies of two prosecution witnesses i.e. PW-5 Sh. Vijay Kumar and PW-6 Sh. Pankaj Tyagi lends support to the defence of the accused. Further, there is no material on record to suggest that the accused had any role in the preparation or procurement of the forged educational documents, or that he was aware of the fraudulent nature of the institute or the documents issued by it. The prosecution has also failed to prove any surrounding circumstances from which such knowledge or belief could reasonably be inferred. Thus, while the forged nature of the documents may stand established but the prosecution has failed to prove the equally essential ingredient that the accused used the said documents as genuine with the requisite knowledge or reason to believe that they were forged. In the absence of proof of such mens rea, one of the indispensable ingredients of Section 471 IPC remains unfulfilled. Accordingly, this Court is of the considered opinion that the offence punishable under Section 471 IPC is not made out against the accused beyond reasonable doubt.

17. The cardinal principle of criminal jurisprudence is that an accused is presumed to be innocent and, therefore, the burden lies upon the prosecution to prove the guilt of the accused beyond reasonable doubt. This general burden never shifts and always rests upon the prosecution. There is no material on record to conclusively establish that the accused was the maker of the alleged forged documents or that the accused had knowledge or reason to believe that the said documents were forged at the time they were submitted before the Bar Council of Delhi. The prosecution has also failed to prove beyond reasonable

doubt that the accused dishonestly induced the Bar Council of Delhi to grant enrollment by knowingly using the alleged forged documents as genuine. Mere suspicion, however strong, cannot take the place of legal proof. In the absence of cogent and reliable evidence establishing the essential ingredients of the offences alleged, the prosecution has failed to discharge the burden cast upon it. It is apparent from the above discussion that the allegations against the accused have not been proved beyond reasonable doubt. Consequently, the accused is entitled to the benefit of doubt and is accordingly acquitted of the charges levelled against him.

Conclusion & Decision

18. Thus, considering the entire material on record I am of the considered view that the prosecution has failed to prove its case u/s 420/468/471 IPC against the accused **Gobind Verma** beyond reasonable doubt. Keeping in mind the above-mentioned discussion, accused **Gobind Verma** is acquitted for the commission of the above-mentioned offences.

SUKHJEET SINGH

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Date: 2026.07.15 17:59:32 +0530

Announced in the open court **(SUKHJEET SINGH)**
In Delhi on 15.07.2026 **JMFC-06,SOUTH/SAKET DELHI**