09.01.2026

ORDER ON CHARGE

Case of the Prosecution

1. Vide this order, I shall decide whether accused persons in the present case deserve to be discharged or they are liable for the charges to be framed against them.

2. The present case has been registered on the allegations that accused H.B. Chaturvedi (hereinafter referred to as "***A1***"), Sanjay Chaturvedi (hereinafter referred to as "***A2***"), Praveen Juneja (hereinafter referred to as "***A3***") and M/s Shamken Cotsyn Limited (hereinafter referred to as "***A4***") were parties to criminal conspiracy to cheat Industrial Financial Corporation of India (hereinafter referred to as "***IFCI***") to the tune of Rs.9.65 crores by furnishing false information with regard to purchase of plant and machinery, submitting forged documents showing utilization of loan proceeds through 'no lien' account maintained with Citi Bank, New Delhi and siphoning off the funds for purposes other than for which the loan was sanctioned. The chargesheet has already been filed against Amit Chaturvedi (hereinafter referred to as "***A5***") and Sumit Chaturvedi (hereinafter referred to as "***A6***").

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3. A4 is engaged in manufacture or deals in Synthetic, Fiber and Textile materials. A1 is the Chairman and Managing Director of A4. A2 is the Joint Managing Director of A4. A3 is the Director, Corporate Finance of A4. A5 and A6 are Directors of A4. A2, A5 and A6 are sons of A1. IFCI is a financial institution engaged in lending finance.

4. During investigation, it was revealed that A3 in his capacity as Director and Authorized Signatory of A4 requested Chief General Manager, IFCI for a term loan under Technology Upgradation Fund Scheme vide letter dated 26.08.1999 by mentioning that A4 is an existing finance unit of IFCI having two units at Kosikalan and Noida (which are under the control of A6). A loan of Rs.9.65 crores under the aforesaid scheme was requested. Consequently, a Rupee Term Loan of Rs.9.65 crores was sanctioned on 04.10.1999. Personal guarantee of A1, A2, A5 and A6 was given as security.

5. During investigation, it was revealed that Citi Bank vide letter dated 16.12.1999 informed IFCI Delhi that they have opened 'no lien' account at the request of A4 for the purpose of crediting the loan of Rs.9.65 crores to be sanctioned and availed by A4. A3 executed a letter of undertaking dated 09.12.1999 for the sanctioned loan and in the loan agreement, it was mentioned that A4 shall obtain sanction of additional working capital loan from their bankers by 31.01.2000 of before approaching IFCI for

next disbursement, utilize the proceeds of discarded machinery towards deduction of the loan sanctioned by IFCI on or before 30.06.2000, the plant and machinery proposed to be replaced under TUFS will be scrapped and made unserviceable before disbursal and A4 will furnish a certificate from Chartered Engineer by 30.06.2000.

6. During investigation, it was revealed that A3 vide letter dated 16.12.1999 submitted a compliance report, Chartered Accountant Certificate dated 14.12.1999 issued by Sh. S.S. Sharma, Chartered Accountant of M/s S.S. Bhardwaj and Associate regarding utilization of funds by certifying that the company has utilized funds received through unsecured loan from promoters and internal cash accruals to the extent of Rs.27.02 millions (Rs.2,70,20,000/-), brief note on progress /status of the project, creation of security, cash budget for next three to six months, copy of receipts of form 8 and Form 13. On the basis of the said documents, disbursement of 80% of the sanctioned loan amount was requested. An amount of Rs.4,82,50,000/- was disbursed, which was deposited in A4's 'no lien' account and it was mandated that proceeds should be used strictly for which the loan was sanctioned.

7. During investigation, it was revealed that on 25.02.2000, A1 issued a letter to IFCI informing about utilization of Rs.4,82,50,000/- and submitted that utilization certificate would

be submitted by 28.02.2000. The said letter has also been attested by A3. The account statement of Citi Bank was enclosed with the letter.

8. During investigation, it was disclosed that the account statement sent by A1 and A3 does not tally with the account statement given by Citi Bank. Further, the account statement shows that cheque no. 0378752 has been issued twice to different parties. It is concluded that the account statement enclosed with the letter dated 25.02.2000 is false and fabricated and was dishonestly submitted to induce IFCI to release the second installment. It is also stated that the funds were used for sister concerns and were not used for acquiring machinery/equipments.

9. During investigation, it was disclosed that on 25.02.2000, A1 requested for release of second installment and along with the aforesaid letter enclosed a false and fabricated certificate dated 26.02.2000 of M/s S.S. Bhardwaj and Associates issued by Mr. S.S. Sharma Chartered Accountant mentioning that an amount of Rs.75.27 millions (Rs.7,52,70,000/-) was used up to 25.02.2000 for procuring machinery. An amount of Rs.2.4 crores were released by IFCI on 28.02.2000 and credited to the 'no lien' account maintained by A4 with Citi Bank.

10. During investigation, it was disclosed that on 16.05.2000, A3 requested for disbursement of remaining portion of loan. After inspection of the units at Kosikalan and Noida, Mr. Rajat

Ghai Manager, IFCI noted that the company had complied with all pre-disbursement conditions as well as other conditions envisaged to be implemented by September, 2000 and recommended for further disbursement of Rs.1.6 crores under TUFS and Rs.74,14,000/- under normal loan.

11. It is averred that the funds have been fraudulently and dishonestly diverted by accused persons to cause wrongful loss to IFCI. It is further averred that all suppliers mentioned at the time of applying to the loan have categorically denied having supplied any machinery/equipment to A4 during the relevant period. The representatives of M/s Harish Textiles, M/s B.B. Textiles, M/s Thermax Limited, M/s Apparel and Leather Technics Private Limited have denied receipt of any advance from A4. Mr. S. S. Sharma Chartered Accountant of M/s Bhardwaj and Associates has denied issuance of certificates dated 14.12.1999, 26.02.2000 and 10.05.2000 and therefore, the said certificates have been forged. In this background, the present chargesheet has been filed against the accused persons under Section 120-B r/w Section 420, 468 and 471 of Indian Penal Code, 1860 (hereinafter referred to as "***IPC***") and substantive Sections thereof.

12. Ld. PP for the CBI has submitted that considering the facts and the role of the accused persons it is clear that offences as mentioned in the chargesheet were committed by them for which they are liable to be charged with.

Arguments addressed by the Ld. Counsel for A3.

13. It has been submitted on behalf of A3 that he has been falsely implicated as he was merely an employee drawing monthly salary from A4. It has been argued that A3 was not required to check and verify the veracity of the documents received from senior officials such as A1, A2, A5 and A6, who were promoter as well as family members. It is argued that no security / personal guarantee was given by A3 and the same was given by other accused persons being promoter family members. It is also argued that the transfer of the loan amounts from the 'no-lien' account has been effected in favour of other subsidiaries run by other accused persons and that A3 did not wrongfully gain from the purported diversion of funds. It is also argued that Rajat Ghai, the concerned official of IFCI, who went to inspect the sites has not been arraigned as an accused person and the investigating official has cherry picked the accused persons. It is argued that if Rajat Ghai was not prosecuted as he acted in good faith, the Investigating Agency ought not to have arraigned A3 as an accused person as he also acted in good faith as Finance Director of A4. It is further argued that there is nothing incriminating in the chargesheet indicating dishonest intention on behalf of A3. It is also argued that the forged documents were provided to him by senior officials of the A4 and he merely forwarded them after attestation as directed. It is argued that as there is nothing on record to show that the forged documents were made by A3, he cannot be charged for the offence of

forgery under Section 468 IPC. It is also argued that as per paragraph 24 of the chargesheet, A1 has filed the purportedly forged documents along with request for release of second installment of the loan and there is nothing incriminating qua A3. It is accordingly prayed that A3 deserves to be discharged in the present matter.

<u>**Arguments addressed by the Ld. Counsel for A2, A5 and A6.**</u>

14. With respect to accused no.2, 5 and 6, it is submitted by Ld. Counsel that none of the said accused persons executed any loan document. It is further submitted that the accused persons cannot be charged of criminal offences only for the reasons that they gave guarantee to the loan. It is also submitted that the allegation w.r.t Section 467/468/471 of IPC are not made out against the said accused persons as they did not use or make any forged documents. It is further submitted that the said accused persons were not related with finance of A4 and did not induce IFCI to extend the loan to A4. It is also averred that there is no complainant in the present matter and the findings of the suo moto preliminary inquiry have not been filed alongwith the chargesheet. It is further averred that there were more than 10 Directors of A4, however, only sons of A1 have been arraigned as accused persons. It is also submitted that the said accused persons have not benefitted from the loan account or from the diversion of the loan amount and therefore, lack requisite mens rea to be charged of the offenses mentioned in the chargesheet.

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Law Relating to Order on Charge

15. It is well settled law that at the stage of framing of charge, only prima facie material is to be seen. Law regarding consideration at the stage of framing charges is well settled now. The court has power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against accused has been made out. When the material placed before the court discloses grave suspicion against the accused which has not been properly explained the court will be justified in framing charge. If on the basis of material available on record a court could come to the conclusion that commission of the offence is a provable consequence, a case of framing of charge exists. To put it differently, if the courts were to think that the accused might have committed the offence it can frame a charge, though for conviction the conclusion is required to be that the accused has committed the offence.

16. In **Union of India vs. Prafulla Kumar Sanal and another** (1979 3 SCC 4), it was held that:

> "Thus, on a consideration of the authorities mentioned above, the following principles emerge:
>
> (1) That the Judge while considering the question of framing of charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against accused has been made out.

(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial.

(3) The test to determine a *prima facie* case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large, if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

(4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the Prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however, does not mean that the Judge should make a roving inquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial."

17. At the stage of framing of a charge, probative value of the materials on record cannot be gone into, the material brought on record by the prosecution has to be accepted as true at that stage.

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The truth, veracity and effect of the evidence which the prosecutor proposes to adduce are not to be meticulously judged nor is any weight to be attached to the probable defence of the accused. It is not obligatory for the Judge at that stage of the trial to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt or otherwise of the accused is not exactly to be applied at this stage of deciding the matter under Section 239 of Code of Criminal Procedure, 1973 (hereinafter referred to as "the ***Code***"). At this stage the Court is not to see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction. But at the initial stage if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused.

18. While deciding the question of framing of charge in a criminal case, the court is not to apply exactly the standard and test which it finally applies for determining the guilt or otherwise. This being the initial stage of the trial, the court is not supposed to decide whether the materials collected by the investigating agency provides sufficient ground for conviction of the accused or whether the trial is sure to culminate into his

conviction. What is required to be seen is whether there is strong suspicion which may lead to the court to think that there is ground for presuming that the accused has committed an offence.

19. Reliance placed on **Union of India vs. Prafulla Kumar** (1979 3 SCC 4); **State of Maharashtra and others vs. Somnath Thapa and others** (JT 1996 4 SC 615); **State of Bihar vs. Ramesh Singh** AIR (1977 SC 2018); **Umar Abdula Sokoor Sorathia vs. Intelligence officer**, NCB (JT 1999 5 SC 394); and **Kallu Mal Gupta vs. State** (2000 I AD Delhi 107).

Findings of the Court

20. I have considered the rival submissions and have carefully gone through the record. I have also perused the compendium of case laws filed on behalf of the accused persons.

Re: A4 Company which is presently under liquidation.

21. With respect to A4, it is an admitted position that A4 company is presently under liquidation. With respect to the liability of the company i.e. A4, it is submitted on behalf of the Official Liquidator of A4 that liquidation process is ongoing and the assets of the company are being sold as part of the liquidation process. Ld. Counsel for A4 has also relied upon Section 32A(2) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "***IBC***") which provides that:

"No action shall be taken against the property of the corporate debtor in relation to an offence committed prior to the commencement of the corporate insolvency resolution process of the corporate debtor, where such property is covered under a resolution plan approved by the Adjudicating Authority under Section 31, which results in the change in control of the corporate debtor to a person, or sale of liquidation assets under the provisions of Chapter III of Part II of this Code to a person, who was not -

(i) a promoter or in the management or control of the corporate debtor or a related party of such a person; or

(ii) a person with regard to whom the relevant investigating authority has, on the basis of material in its possession, reason to believe that he had abetted or conspired for the commission of the offence, and has submitted or filed a report or a complaint to the relevant statutory authority or Court.

Explanation: For the purposes of this sub-section, it is hereby clarified that,-

(i) an action against the property of the corporate debtor in relation to an offence shall include the attachment, seizure, retention or confiscation of such property under such law as may be applicable to the corporate debtor;

(ii) nothing in this sub-section shall be construed to bar an action against the property of any person, other than the corporate debtor or a person who has acquired such property through corporate insolvency resolution process or liquidation process under this Code and fulfils the requirements specified in this section, against whom such an action may be taken under such law as may be applicable."

22. Per contra, Ld. PP for CBI has argued that Section 32A is squarely applicable only where the corporate debtor has completed a resolution process and a resolution plan has been approved and does not apply to liquidation cases where the entire company is not being sold as a going concern.

23. Section 32A was inserted by the Insolvency and Bankruptcy Code (Amendment) Act, 2020. The relevant extract of the Objects and Reasons of the Amendment Act which incorporated Section 32A is reproduced below:

> "17.7. Thus, the Committee agreed that a new Section should be inserted to provide that where the corporate debtor is successfully resolved, it should not be held liable for any offence committed prior to the commencement of the CIRP, unless the successful resolution applicant was also involved in the commission of the offence, or was a related party, promoter or other person in management and control of the corporate debtor at the time of or any time following the commission of the offence.

17.8. Notwithstanding this, those persons who were responsible to the corporate debtor for the conduct of its business at the time of the commission of such offence, should continue to be liable for such an offence, vicariously or otherwise, regardless of the fact that the corporate debtor's liability has ceased.

17.9. The Committee also noted that in furtherance of a criminal investigation and prosecution, the property of a company, which continues to exist after the resolution or liquidation of a corporate debtor, may have been liable to be attached, seized or confiscated. For instance, the property of a corporate debtor may have been at risk of attachment, seizure or confiscation where there was any suspicion that such property was derived out of proceeds of crime in an offence of money laundering. ***It was felt that taking actions against such property, after it is acquired by a resolution applicant, or a bidder in liquidation, could be contrary to the interest of value maximisation of the corporate debtor's assets, by substantially reducing the chances of finding a willing resolution applicant or bidder in liquidation, or lowering the price of bids, as discussed above***.

17.10. Thus, the Committee agreed that the property of a corporate debtor, when taken over by a successful resolution applicant, or when sold to a bonafide bidder in liquidation under the Code, should be protected from such

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enforcement action, and the new Section discussed in paragraph 17.7 should provide for the same. Here too, the Committee agreed that the protection given to the corporate debtor's assets should in no way prevent the relevant investigating authorities from taking action against the property of persons in the erstwhile management of the corporate debtor, that may have been involved in the commission of such criminal offence."

24. It is pertinent to note that Section 33(5) of IBC only provides immunity from institution of fresh suits against the corporate debtor after passing of a liquidation order. There is no embargo on continuation of proceedings which were instituted prior to passing of liquidation order against the corporate debtor [Re: **Elecon Engineering Company Limited vs. Energo Engineering Projects Limited and others** (Judgment dated 13.09.2022 of the Hon'ble High Court of Delhi in CS (Comm) 151/2017)]. Further, I am not in agreement with the Ld. Counsel for Official Liquidator of A4 that charges cannot be framed in view of Section 32A of IBC. Section 32A of IBC only protects the property of the corporate debtor as it provides that no action shall be taken against the property of the corporate debtor in relation to an offence committed prior to the commencement of the corporate insolvency resolution process of the corporate debtor, which results in sale of liquidation assets. However, even if the proceedings are continued against A4 and the trial

culminates in conviction of A4, no orders re: imposition of fine and recovery from the assets of A4 can be imposed as it would undoubtedly the property of A4. Further, continuation of the present proceedings would hinder value maximization of the assets of A4 and would burden the Official Liquidator with the present criminal proceedings restricting him from dedicating his time and resources towards efficient liquidation of A4. **Therefore, continuation of the present criminal proceedings against A4 company would be pointless/a futile exercise and hence, A4 company is discharged.**

Re: Criminal conspiracy to commit forgery for the purpose of cheating punishable under Section 468 of IPC.

25. It is pertinent to note that Section 468 of IPC provides punishment for commission of forgery intending that the forged document shall be used for the purpose of cheating. Commission of forgery could have been shown only by procuring forensic report comparing the forged documents with the admitted signatures of the accused persons. The Report of Government Examiner of Questioned Documents is part of the chargesheet wherein it has been opined that the CA certificate dated 14.12.1999 is not comparable with the signatures of S.S. Sharma. The admitted signatures/hand writing of A1, A2, A5 and A6 have not been procured during investigation and sent to FSL. There is nothing on record to state that the purportedly forged documents were forged by any of the said accused persons. There is no

material filed by the Investigating Agency showing that any of the purportedly forged documents were prepared by the accused persons as the Report of Government Examiner of Questioned Documents has also not opined that the author of the questioned signatures is the same as the specimen signatures of A3. Evidence relating to commission of forgery by the accused persons is essential for a charge under Section 468 of IPC. Charge under Section 468 cannot be framed where there is no proof of forgery authorship. There is nothing on record to warrant framing of charge against the accused persons for the offence of forging of documents and hence, they are discharged of the offences alleged under Section 120-B r/w Section 468 IPC. **Therefore, all the accused persons are discharged for the offence punishable under Section 120B read with Section 468 IPC and substantive offence thereof.**

<u>Re: Criminal conspiracy to commit cheating and dishonestly inducing delivery of property punishable under Section 420 IPC.</u>

26. With respect to criminal conspiracy to cheat, the flash report which is a part of the relied upon documents, mentions the names of the promoter Directors as A1, A2, A5 and A6. The letter of undertaking regarding meeting of shortfall and non-withdrawal of unsecured loan executed by A1, A2, A5 and A6 have also been seized by the Investigating Agency during investigation. Statements of suppliers such as Sudhir Engineering Company and Stafab India that they had no dealings with A4

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during the year 1999-2000 is also on record. The argument addressed on behalf of A2, A5 and A6 that they were not aware of the loan transaction and the diversion of funds, appears to be superfluous and implausible as they were promoter-directors of A4 and had given personal guarantee qua satisfaction of the loan and its conditions. Further, some of the cheques issued from the 'no-lien' account for the purpose of diversion of funds in favour of subsidiary accounts have also been signed by A2, A5 and A6 which indicates culpability of the said accused persons as well.

27. With respect to A1 and A3, there are clear allegations as the loan application as well as purportedly forged loan documents have been filed by A1 and A3 along with their letters of request addressed to IFCI for disbursal of loan amounts. The argument of A3 that he was only a salaried employee and was merely forwarding documents on the advice of the Promoter-Directors is not acceptable. A3 was the Director, Corporate Finance of A4. The present loan transaction squarely comes within the ambit of his role/ functions. The mere fact that A3 was not a guarantor to the loan, does not exonerate him from the charges. I am not in agreement with the Ld. Counsel for A3 that dishonest intention of A3 has not been shown in the chargesheet as the act of filing the forged documents for the purpose of disbursal of loan amount prima-facie reeks of dishonesty. The absence of dishonest intention on behalf of A3 as averred by the Ld. Counsel for A3 has to be seen by marshalling the evidence

on record and is not a ground for discharge. The chargesheet sets out instances of personal involvement as the forged documents and request for further disbursal were signed / attested by A3 which in effect means that he was verifying the authenticity of the documents as well as the request. Furthermore, the argument re: absence of personal gain is not relevant as Section 415 IPC which defines cheating includes within its ambit delivery of property / gain to any person.

28. There is sufficient clear and convincing material showing the precise role of material showing the specific role of accused persons warranting framing of charge against them. There are clear and categorical allegations with respect to criminal conspiracy to cheat IFCI and induce delivery of property i.e. loan with a dishonest intention to divert the loans for purposes other than the purpose for which it was sanctioned against all the accused persons. **Hence, A2, A3, A5 and A6 are liable to be charged for the offences punishable under Section 120-B r/w Section 420 IPC along with substantive offence thereof.**

Re: Criminal conspiracy to use as genuine a forged document punishable under Section 471 IPC.

29. It is the case of the prosecution that the following documents have been forged or fabricated:

a) 'No lien' account statement filed by A1 and A3 with IFCI as the said statement does not tally with the certified copy of the ‘no lien’ account statement received from Citi Bank. which is alleged to be forged is also on record as page no.39 of the correspondence file no.I.

b) The certificates dated 14.12.1999, 26.02.2000 and 10.05.2000 issued by Sh. S. S. Sharma of M/s S.S Bhardwaj and Associates as Mr. S.S. Sharma has denied signing the said certificates.

30. The loan applications and all the subsequent documents executed for the purpose of disbursal of the loan amount have been issued by A1 and A3. The list of equipments purchased, the statement of ‘no lien’ account maintained with Citi Bank and the certificate dated 14.12.1999, 26.02.2000 and 10.05.2000 purportedly issued by Chartered Accountant of M/s S.S.Bhardwaj and Associates have been purportedly forged. Statement of Mr. S.S. Sharma has been recorded under Section 161 of the Code wherein he has stated that he did not issue the certificates which have been filed by A1 and A3 on behalf of A4. The statement of Mr. Sushil Kumar, General Manager of M/s Sudhir Engineering company has been recorded wherein he has stated that the said company does not have any dealings with A4 and no order/supply of machines have been received from A4 for the period 1999 to 2000. Sh. Sushil Kumar has also stated that proforma invoice/letter dated 11.08.1999 has not been issued by Sudhir Engineering company. Therefore, there is sufficient material to indicate that the said documents filed by accused

persons for further disbursal of loan have been forged and fabricated. Therefore, there are categorical findings supported by documents to prima-facie show that A1 and A3 on behalf of A4 filed forged and fabricated documents as genuine for the purpose of disbursal of loan. Ld. Counsel for A2, A5 and A6 have averred that they had no knowledge about the forgery of documents and use of said documents by A1 and A3 for the purpose of disbursal of loan. A1 is the father of A2, A5 and A6. Further, A2, A5 and A6 are promoter-directors of A4. Perusal of chargesheet reveals that cheques have been issued from the 'no-lien' account with A2, A5 and A6 as co-signatories. The board resolution of A4 authorizing the filing of TUFS loan application with IFCI has been approved by A2, A5 and A6. They knew the purpose for which the loan was sanctioned. They have been parties to the diversion by co-signing cheques. They ought to have known that subsequent disbursals would not have been effected by IFCI had they been given genuine account statements and certificates of CA. The defence of not being aware as to the forged documents, at this stage of framing of charge, is weak and does not dispel the prima-facie case put forth by the prosecution. This needs to be ascertained only by way of marshalling of evidence after trial. Therefore, prima-facie it appears that A2, A5 and A6 were also co-conspirators in the usage of forged documents as genuine for the purpose of disbursal. **Hence, A2, A3, A5 and A6 are liable to be charged for the offences punishable under Section 120-B r/w Section 471 IPC along with substantive offence thereof.**

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Conclusion

31. After considering the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court by the prosecution and due consideration of the submissions made on behalf of all the accused persons, it appears that prima-facie material is available that A1 (proceedings stand abated), A2, A3, A5 and A6 entered into a criminal conspiracy to cheat and dishonestly induce IFCI to release loan funds and use forged documents as genuine in order to obtain further disbursal of loan from IFCI which is punishable under Section 120B read with Section 420 and Section 471 IPC along with substantive offences thereof. Hence, plea of said accused persons seeking discharge is without any basis and is accordingly declined.

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