

23.05.2023

Present: Ld. APP for the State.

All accused are in person.

Ld. Counsel for the accused persons.

Argument on the point of charge heard.

Record perused.

It is vehemently argued by the Ld. Counsel for the accused persons that there is no material available on record which may *prima-facie* point towards any incriminating material against the accused persons for the offence punishable as mentioned in the charge-sheet. It is submitted that the accused persons have been falsely implicated in the present case by the IO in connivance with the complainant and other persons. It is further argued that there is no material with the investigation agency to show that any money was received by them or that any person was cheated by them on the pretext of sending them to abroad. It is further argued that no documentary proof has been placed on file by the investigating agency to show that there was any criminal conspiracy between the accused persons. It is further argued that accused persons be discharged from the present case.

Per contra, Ld. APP for the State submits that there is sufficient material available on record which provides that on or before January 2017,

accused Smt. Savita Marwah and Man Mohan Singh being the Directors of Job Mantra Recruiters Pvt Ltd. and accused Arun Kumar @ Raj Marwah represented themselves as the owner of Job Mantra Recruiters entered into a criminal conspiracy to cheat the public at large on the pretext of sending them abroad for job on work visa and in pursuance of their criminal conspiracy induced the public at large to part with different amounts on the pretext of sending them to Singapore and Dubai for getting job for different profession and in the said manner they have dishonestly induced as many as 60 persons out of whom 42 have come forward and made specific complaint against the accused persons. It is further argued that there is enough prima-facie material against the accused persons u/s 420/120B IPC and charges to be framed against all the accused persons.

In view of the abovesaid submissions of both the parties, I am of the view that prosecution is required to put a prima-facie case at the stage of charge to show that the accused persons are involved in the case and a roving enquiry or mini trial is not required to be made at the stage of charge. However, at the same time, it cannot be lost sight that even if the chargesheet is taken to be true on its face value and accepted in its entirety and still it does not constitute the offence for which the accused has been charged, then the accused should be discharged and he should not be made to face the agony of trial. It is also settled preposition of law that mere suspicion cannot take the place of proof and accused cannot be put to trial merely on the basis of suspicion and confession/disclosure statements of co-accused.

In the present case as per the case of the investigation agency, the accused persons were running a placement agency under the name & Style of Job Mantra Recruiters Pvt. Ltd. and in the said manner, they have induced as many as 42 victims including the complainant Vishal Kalra for providing jobs in foreign countries i.e. for sending them abroad. There are specific allegations of the victims as well as documentary proof on record that the accused persons have received amount from large number of public persons on different pretext for sending them abroad. The allegations are sufficient to suggest a prima facie case against all the three accused persons that they all entered into a criminal conspiracy to cheat large number of public persons for the purpose of sending them abroad.

Therefore, I am of the considered view that there is sufficient prima facie material on record to frame charge against all the accused persons namely Arun Kumar @ Raj Marwah, Smt. Savita Marwah and Man Mohan Singh u/s 420/120B IPC.

Accordingly, charge u/s 420/120B IPC is framed against all the accused persons, to which the accused persons pleads not guilty and claims trial.

Issue summons to PWs for P.E. on 25.11.2023.

(Rohit Gulia)
Chief Metropolitan Magistrate, North-West District
Rohini Courts, DELHI
23.05.2023