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

+ **CRL.M.C. 5187/2024**

KULWINDER KAUR JOHAR @ K.K. JOHARPetitioner

Through: **Mr. Satya Bhusan, Adv.**

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: **Ms. Richa Dhawan, APP for the State**
SI Ramesh Kumar, PS Lodhi Colony

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **09.07.2024**

CRL.M.A. 19809/2024 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 5187/2024 & CRL.M.A. 19808/2024

1. The present Petition has been filed challenging the Order dated 12.04.2024, passed by the learned ASJ, Saket Courts, reversing the Order of discharge dated 29.09.2019, passed by the learned MM against the Petitioner.

2. Paragraph No.15 & 16 of the impugned Order reads as under:

“15. Prosecution has categorically mentioned involvement of accused Smt. K.K. Johar in the transactions as being employee of the Bank it was incumbent upon her to verify the documents and only then process the formalities for sanction of loan and send it further to the other banks i.e. to the loan manager. However, the accused K.K. Johar sanctioned the loan amount based on the documents



which were forged upon the paid an amount of Rs.10 lacs by accused Avinash @Arsh for approval of the loan. So, prima facie, strong suspicion is raised against accused K.K . Johar, for having committed offence u/s 420/47 1/120B IPC alongwith other co-accused persons.

16. The case of prosecution, cannot be seen with suspicion, by the courts. There is no law, which suggest that court s have to see the allegations of prosecution witnesses with suspicion, at the stage of framing of charge. Coupled with the same, I did not find any inherent improbability, in the case of prosecution, which could have justified discharge of accused.”

3. A perusal of the abovementioned paragraphs shows that the learned ASJ has proceeded primarily on the ground of suspicion in reversing the order of discharge against the Petitioner. He states that in absence of any material against the Petitioner, the learned ASJ has erred in reversing the discharge order.

4. Issue Notice.

5. Learned APP for the State accepts notice and seeks some time to file a Status Report.

6. Let the Status Report be filed before the next date of hearing.

7. Since the learned ASJ has proceeded with the matter only on the ground of suspicion, the impugned Order is stayed till the next date of hearing.

8. List on 17.09.2024.

SUBRAMONIUM PRASAD, J

JULY 9, 2024/Rahul