

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4820-4821/2009

(From the judgement and order dated 13/04/2009 in CRLLP No. 83/2009 & CRLMA No. 4951/2009 of The HIGH COURT OF DELHI AT N. DELHI)

ARJUN JAISEN CHAUDHURI

Petitioner(s)

VERSUS

SAHDEV SINGH & ORS.

Respondent(s)

Date: 30/07/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Ms. Kamini Jiaswal, Adv.
Ms. Kumud Lata Das, Adv.
Mr. O.P. Shekhawat, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

The petitioner's application under Section 482 of the Code of Criminal Procedure, 1973 has been dismissed by the High Court inter alia on the premise that the petitioner had not been able to give satisfactory answers as on delay on the part of the complainant for 8 years to file a complaint.

Mrs. Kamini Jaiswal, learned counsel for the petitioner, would submit that the High Court committed an error in arriving at the aforementioned finding inasmuch as the records of the proceedings would show that since 2002, the petitioner had brought the said fact to the court concerned where he has been facing trial on the basis of a forged charge sheet. Our attention has also been drawn to two other applications, one filed under Section 190 Cr.P.C. by the then SHO, Police Station, Connaught Place, New Delhi and the other under Section 91 read with Section 311 Cr.P.C. wherein prayer has been made in taking cognizance against the persons against whom the trial is pending. The very fact that the petitioner was aware that a forgery was perpetrated to have been committed by the Investigating officer as far back as in the year 2002, still he did not file a complaint petition as it was sought to be done in the year 2002, speaks of volumes.

Learned counsel states that he was not aware of the identity of the persons who had committed the forgery. Such a stand could have been taken in

those applications. Furthermore, it is difficult to believe that the petitioner would not know the name of the Investigating Officer or other person connected with the Investigating Officer who had filed the charge sheet.

We are not inclined to exercise our jurisdiction under Article 136 of the Constitution of India. It, however, goes without saying that the petitioner shall raise all these contentions in the pending criminal trial.

In view of the fact that we are dealing with a judgment of the High Court, it must be clarified that we have not entered into the merits of the matter.

The special leave petitions are dismissed with the above observations.

(KALYANI GUPTA)
SR. P.A.

(PUSHAP LATA BHARDWAJ)
COURT MASTER