

**R. Natarajan and ors. Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/714196](http://sooperkanoon.com/714196)

**Court :** Delhi

**Decided On :** Mar-27-2006

**Reported in :** 129(2006)DLT403; 2006(90)DRJ614

**Judge :** S.K. Agarwal, J.

**Acts :** Indian Penal Code (IPC) - Sections 120B, 201, 409, 420, 467, 468 and 471;  
Code of Criminal Procedure (CrPC) - Sections 397(1) and 401

**Appeal No. :** Crl. Rev. P. No. 525 of 2003

**Appellant :** R. Natarajan and ors.

**Respondent :** State

**Advocate for Def. :** V.K. Malik, APP, ; Swaraj Kaushal, Sr. Adv., ; Rajeev Sharm

**Advocate for Pet/Ap. :** Ram Jethmalani, Sr. Adv.,; Arvind Nigam,; Pranav Badhera

**Judgement :**

**S.K. Agarwal, J.**

1. By this petition under Section 397(1)/401 Cr.P.C., petitioners have challenged order dated 26.5.2003 framing charge against them in case FIR No.543/2000, under Sections 120-B/409/467/468/471/201/420 IPC, P.S. Connaught Place, New

Delhi.

2. Learned counsel for the petitioners submits that petitioners R. Natarajan, Nitin Chopra, Sanjeev Anand & Paul Abraham were working as Head Customer Services Group, Senior Vice President, Vice President TMT-Telecom & Senior Vice President respectively in ABN AMRO Bank at the relevant time. They were not connected with the transactions in question concerning this case. Petitioners co-operated in the investigations and answered queries made by the Investigating Officer about other officials of the bank who handled the relevant account vide letters dated 1.9.2000 and 11.5.2001 by two petitioners namely Nitin Chopra and Sanjeev Anand. Learned counsel submits that after investigations, charge sheet was filed on 18.4.2002. Nothing was found against petitioners, therefore, they were kept in Column No.2 of the charge sheet. Relevant portion of the charge sheet (para 22) reads as under:

Also their senior officers S/Sh. Nitin Chopra, Sr. Vice President, Head Consumer Banking and Sanjeev Anand, Vice President TMT-Telecom & Media Chief Manager, New Delhi have made false written and signed declaration to conceal/shield the guilt of their subordinates and screen them from legal punishment. However, in the absence of any overt act, direct documentary/oral evidence to connect them with the commission of crime or their being beneficiary of the ill gotten money, their prosecution is not recommended. However, they are therefore, shown in Col. No.2 of the Charge Sheet, so that the Hon'ble Court, if deemed fit, may take necessary action against them.

3. Learned counsel argued that learned trial court summoned the petitioners and framed charge against them mechanically without referring to any specific material against them, therefore, charge against petitioners is not sustainable. Learned APP for the State, on instructions from S.I. Mishra (EOW Cell), did not contest the fact that petitioners were not sent up for trial and their names were kept in column No.2 only. Learned APP for the State opposes the prayer for quashing of the impugned order but is unable to point out any material to sustain charge against petitioners. Learned counsel for the complainant supporting the petitioners submits that matter has been settled with the bank and that complainant has no grievance

against the bank officials including petitioners.

4. Law in this regard is well settled. Charge can be framed only when the material collected during investigations gives rise to a grave suspicion and mere suspicion is not enough. It is also well settled that even the offence of conspiracy as defined under the Penal Code has to be proved like any other offence. It is true that the offence of conspiracy is normally proved by the circumstantial evidence. Whatever may be the difficulties, framing of the charge does affect the liberty of the citizen and in the absence of sufficient material, the order directing the framing of charge could not sustain.

5. For the foregoing reasons, impugned order dated 26.5.2003 directing framing of the charge against petitioners under sections noted above is liable to be set aside. Ordered accordingly. It is clarified that any observation made herein would not affect merits of the case against the main accused.

6. Petition stands disposed of. dusty.