

Sandeep Vats Vs. State

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Court : Delhi

Decided On : Sep-29-2006

Reported in : 2007(94)DRJ233; (2007)145PLR40

Judge : Badar Durrez Ahmed, J.

Acts : Indian Penal Code (IPC), 1980 - Sections 120B, 419, 420, 467, 468 and 511

Appeal No. : Criminal Revision (P) No. 752 of 2005

Appellant : Sandeep Vats

Respondent : State

Advocate for Def. : Pawan Sharma, Adv.

Advocate for Pet/Ap. : D.C. Mathur, Sr. Adv. and S.S. Chadha, Adv

Disposition : Petition allowed

Judgement :

Badar Durrez Ahmed, J.

1. This revision petition is filed against the order on charge passed by the learned Metropolitan Magistrate on 12.7.2005. It is also directed against the formal charge framed against the present petition on the same day.

2. Mr. Mathur, the learned Counsel who appeared on behalf of the petitioner, submitted that no charge could be framed against the present petitioner under Section 120B, I.P.C. read with Sections 467/468/420/419/511, I.P.C. He submitted that the allegation against the present petitioner as borne out in the impugned order is that:

During investigation of the case accused No. 4 was also arrested and it is the case of the prosecution that this accused No. 4 from his computer at Chamber No. 102-104 Western Wing, T. Hazari, Court Delhi used to take out the printouts of pay slips of Northern Railway and D.T.C. and used to give the same to the other accused persons for fake sureties. The computer of this accused No. 4 was seized and the data was seized in one floppy and was taken into police possession.

3. Mr. Mathur, submitted that the main accused Santosh Kumar pleaded guilty and he has already been convicted. The allegation against the present petitioner is that the said Santosh Kumar gave a floppy to the present petitioner which contained two files of pay slips, one of a person by the name of Satish Kumar in the Northern Railway and another of a person by the name of Vinod Kumar, working in Delhi Transport Corporation. It is further the case of the prosecution that the petitioner, at the request of Santosh Kumar, printed the pay slip of Northern Railways pertaining to Satish Kumar and handed over the printed copy of the same to Santosh Kumar. It is, however, the case for the prosecution that normal charges were paid by Santosh Kumar to the petitioner for printing the said document. It is further alleged that Santosh Kumar requested the petitioner to transfer these files on to the hard disk of his computer because he may require this printout on a later date. On this, it is further alleged, the petitioner transferred the said files on to the hard disk of his computer. The further case for the prosecution is that this transfer was done because the petitioner was tempted to do so on account of the fact that Santosh Kumar was his customer. It is further the case of the prosecution that on a subsequent date, the printout of the pay slip pertaining to Delhi Transport Corporation was also taken out and handed over to Santosh Kumar. This is the entire role that has been ascribed to the present petitioner. Of course, the larger allegation against the other co-accused is that these pay slips were used for providing fake sureties for the purposes of obtaining bail for persons who were in

custody.

4. Mr. Mathur, submitted that even if the prosecution case, qua the petitioner, is to be believed in its entirety, no case of conspiracy is made out against the present petitioner. He submits that, at best, what has happened is that a person had come to the petitioner, requested him to take printouts of files which were already in existence and he was also requested to retain the files in the hard disk of his computer for printing on a later date. He submitted that even as per the prosecution, the petitioner was paid normal charges for printing out the same and, therefore, there can be no question of any conspiracy. It is also not the prosecution's case that the petitioner knew as to for what purpose the said documents were to be used.

5. Mr. Sharma, who appeared on behalf of the State, supported the order on charge as well as the charge framed against the petitioner. He submitted that the petitioner was an important link in the entire transaction. He submitted that Santosh Kumar had already admitted his guilt and he was the person who supplied the floppy to the petitioner. He further submits that after the pay slip pertaining to Northern Railway was printed out by the petitioner, the same was handed over by Santosh Kumar to the co-accused Shyam Sunder who forged the signatures of Mahinder Singh, Accounts Officer, Northern Railway on the same. The same is the position with regard to the pay slip pertaining to Delhi Transport Corporation. therefore, Mr. Sharma submitted that the petitioner was very much an important link in the entire transaction and the charges have been appropriately framed.

6. I have considered the submissions made by the Counsel for the parties and I have also examined copies of the pay slips which have been handed over by the learned Counsel. The one thing that strikes me is that the petitioner, even as per the prosecution case, was not paid anything extra and he was paid only normal charges for the printing of the said pay slips. It is also the case of the prosecution, as per the disclosure statement of Santosh Kumar that the booty with respect to the commission of the crime was shared by three persons including Santosh Kumar. These three persons did not include the present petitioner.

7. Secondly, there is nothing on record to show that the petitioner was in the know of the conspiracy between Santosh Kumar and co-accused Shyam Sunder allegation of conspiracy is not made out. therefore, I find that the petitioner cannot be roped into the alleged conspiracy. I am saying so, even assuming that whatever the prosecution has stated with regard to the present petitioner is taken to be true. Accordingly, I find that the charge framed against the present petitioner is not made out and he is entitled to be discharged.

This revision petition stands allowed accordingly.

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