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IN THE HIGH COURT OF DELHI AT NEW DELHI

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+ CRL.M.C. 218/2006

B.L.ARORA & ANR.

..... Petitioner

Through: Mr. Chetan Sharma, Sr. Advocate with
Mr. Manish Vashisht & Mr. Sameer, Advocates

versus

STATE

..... Respondent

Through: Mr. Harish Gulati, Advocate &
Mr. Anindya Malhotra, Advocate
Mr. I.S.Alag & Mr. J.S.Lamba, Advs. for State Bank of
Patiala

+ W.P.(CRL) 340/2007

R.P.SINGH

..... Petitioner

Through: Mr. Chetan Sharma, Sr. Advocate with
Mr. Manish Vashisht & Mr. Sameer, Advocates

versus

STATE

..... Respondent

Through: Mr. Harish Gulati, Advocate &
Mr. Anindya Malhotra, Advocate
Mr. I.S.Alag & Mr. J.S.Lamba, Advs. for State Bank of
Patiala

CORAM:

JUSTICE SHIV NARAYAN DHINGRA

ORDER

27.10.2010

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These two petitions have been filed for quashing of FIR No. 54 registered against the petitioners in 1978. In 1982 charge-sheet was filed against the petitioners and on 20th December, 1983 the learned Special Judge discharged the petitioners on the ground that the petitioner was not a public servant. Against this order of learned Special Judge, an appeal was filed by CBI and this appeal was decided by this Court on 23rd February, 2005 and the order of the learned Special Judge was set aside and the accused persons were asked to face trial. However, the trial against the accused persons did not proceed further as the time took its own

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toll and the file of trial court called by this Court seems to have got misplaced somewhere. The effort to trace the file also turned futile and now none of the original record/documents are available. Mr. R.P.Singh, one of the accused and petitioner before this Court allegedly involved in this corruption case was given promotion by the bank. No departmental inquiry was initiated against Mr. R.P.Singh on the basis of allegations made by the bank about corruption. Mr. R.P.Singh after taking promotion from the bank retired and is now no more in service. The other petitioner/accused is a private person who was the alleged beneficiary of the corrupt practice adopted by Mr. R.P.Singh. However, there is no denial of the fact that the entire amount of the bank was paid back to bank by the petitioner even before filing of the charge-sheet. This Court had also given direction to the bank to place on record original documents pertaining to case however the bank stated that none of the original documents were available now with the bank. Thus, the ultimate result had been that in this case FIR was registered in 1978, in 2005 when the High Court decided that the petitioners were liable to face the trial, the case could not be proceeded by the trial Court as all original record and even statements of witnesses were not available. The file could not be reconstructed fully. Only some of the statements of witnesses were available with CBI but it is not known whether the witnesses are alive or not.

I consider that further proceedings before the trial Court would be a futile exercise in absence of case record. The petitions are allowed on this ground and FIR No. 54 of 1978 is hereby quashed.


SHIV NARAYAN DHINGRA, J

OCTOBER 27, 2010
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