

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

Date of Decision: January 13, 2015

+ CRL.M.C. 384/2014

GIRISH KUMAR JAIN Petitioner
Through: Mr. Kapil Lalwani, Advocate

versus

VEENA LATA & ORS. Respondents
Through: Mr. Parveen Bhati, Additional
Public Prosecutor for respondent
No.3-State with SI Subhash PS
Mukherjee Nagar

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Crl. M.A.No.17876/2014 (u/O 1 Rule 10 r/w Sec. 151 CPC)

By this application, applicant-petitioner informs that respondent No.1- Smt. Veena Lata has expired.

Learned counsel for petitioner submits that from reliable sources it has come to the knowledge of petitioner that respondent No.1 has left this world and that the fresh Memo of Parties filed along with this application

be taken on record.

This application is allowed and Amended Memo of Parties filed along with this application is taken on record.

Application is disposed of.

CRL.M.C. 384/2014

Vide order of 13th July, 2011 respondent No.1-accused stands discharged for the offences under Sections 420/468/471/34 of the IPC in FIR No. 105/1992, registered at police station Mukherjee Nagar, Delhi. The aforesaid trial court's order stands affirmed by the learned Revisional Court vide impugned order of 12th April, 2013.

To assail the impugned order, learned counsel for petitioner submits that even on suspicion, respondent-accused can be put to trial and the role of surviving accused i.e. respondent No.2 is that he was a guarantor to the fictitious loan in respect of the transaction in question.

Upon hearing and on perusal of the impugned order of 13th July, 2011, I find what has weighed with trial court to discharge respondent-accused is the fact that the prosecution has failed to connect respondent-accused with forged documents. It stands noted in the impugned order that necessary ingredients *to prima facie* show the common intention of the parties is not there and the Investigating Officer has not collected any evidence to indict respondent-accused for the offence of criminal conspiracy.

In the considered opinion of this Court, impugned order does not suffer from any illegality or infirmity and no case of invoking inherent

jurisdiction of this Court under Section 482 Cr.P.C. is made out. Finding no substance in this petition, this petition is dismissed.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

r/vn