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

Date of Decision: May 15, 2015

+ CRL.M.C. 2039/2015 & Crl. M.A.Nos.7269-7270/2015

SANT DEV CHAUHAN Petitioner

Through: Mr. B.K. Jha, Advocate

versus

C B I Respondent

Through: Mr. R.V. Sinha, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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(ORAL)

Petitioner is accused in FIR No. RC/27A/2007, under Sections 419/420 R/w Section 120 B of the IPC, registered at ACB, New Delhi and for the aforesaid offences, trial court puts him on trial. The order vide which petitioner was put on trial was challenged by him by way of a criminal revision petition, which stands dismissed vide order of 31st January, 2015.

At the hearing, learned counsel for petitioner submitted that there is no material on record to show that petitioner was party to the alleged conspiracy. It was further submitted that petitioner does not have cordial relations with his brother, who is co-accused and that petitioner has been falsely roped in this case.

Upon hearing and on perusal of the impugned order, I find that

both the courts below have found a *prima facie* case against the petitioner.

It is no longer *res integra* that direct and tangible evidence of criminal conspiracy is seldom available and it has to be inferred from established facts. At this initial stage, on perusal of material on record, it cannot be said that it is a case of no evidence. On a grave suspicion, an accused can be put on trial. Pertinent observations of Apex Court in *Amit Kapoor vs. Ramesh Chander and another* (2012) 9 SCC 460 on this aspect are as under: -

"At the initial stage of framing of a charge, the court is concerned not with proof but with a strong suspicion that the accused has committed an offence, which, if put to trial, could prove him guilty. All that the court has to see is that the material on record and the facts would be compatible with the innocence of the accused or not. The final test of guilt is not to be applied at the stage."

After having considered the submissions advanced on behalf of petitioner, I find no illegality or infirmity in the impugned order. Consequentially, this petition and applications are dismissed while refraining to comment upon the merits of the case.

(SUNIL GAUR)
JUDGE

MAY 15, 2015

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