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

\+ CRL.M.C. 1442/2015

YASHVIR SINGH ..... Petitioner

Represented by: Mr.Deepak Chander Pal, Advocate

versus

PIYUSH SINGH & ORS ..... Respondents

Represented by: Mr.Amit Ahlawat, APP with SI A.K.Singh, PS Economic Offences Wing

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

<u>O R D E R</u>

% 16.09.2016

1. The facts as per FIR No.242/08 are that the complainant : Yashvir Singh (the petitioner) and accused : Piyush Singh were stated to be the directors and shareholders of a company M/s.Rare Fuel Automobile Technologies Pvt. Ltd. As per the complainant he was the owner of 385000 shares in the company and as per the records of the Registrar of Companies Share Certificate No.18 bearing ledger folio 006 was transferred by one Sheetal P.Singh in the complainant's name on August 09, 2001. It is the case of the complainant that Piyush Singh, the accused forged his name on the aforementioned Share Certificate No.18, and along with Share Certificate No.17 bearing ledger folio No.006 filed the same in the Court of Ms.Sunita Gupta, ADJ, Tis Hazari Courts as security for release of decreetal amount in sum of ₹4,25,000/- passed in favour of the company in a civil proceedings.

It is the further case of the complainant that on June 20, 2003 he was illegally removed as director of the company and that the accused : Piyush Singh, D.K.Mishra and Sandeep Singh have forged valuable security of the company and caused immense financial loss to the complainant.

2. Upon preliminary enquiry and investigations into the allegations in the complaint, a closure report dated September 10, 2011 under Section 169 of Cr.P.C. was filed by the Investigating Officer. In the closure report, it was inter-alia stated that in July, 2002, the complainant has transferred 245000 shares held by him in M/s.Rare Fuel Automobile Technologies Pvt. Ltd. to one M/s.True Pictures along with certain shares as per Share Certificate No.18 bearing ledger folio 006 and has received payment thereof; and that the complainant still held 25500 shares in the company as per records of the ROC; that the exact status of Share Certificate No.18 bearing ledger folio 006 could not be ascertained; that Share Certificate No.18 bearing ledger folio 006 is neither in possession of Sheetal M.Singh nor in possession of Piyush Singh and that while photocopying Share Certificate No.17, inadvertently Share Certificate No.18 also got photocopied. It was recorded that the accused admit complainant's ownership of the shares mentioned in Share Certificate No.18.

3. The petitioner filed a protest petition challenging the aforesaid closure report which petition was dismissed by the learned Chief Metropolitan Magistrate vide order dated August 12, 2014. The learned CMM inter-alia held that there was no evidence to show that the accused persons had dishonestly prepared a photocopy of Share Certificate No.18 bearing ledger folio 006 to use it in Court and admittedly the ownership of the said share certificate has not been disputed by the accused persons and that in any

event the filing of the alleged forged share certificate did not result in any loss to the complainant or any profit to the accused persons. The learned CMM therefore accepted the closure report dated September 10, 2011 filed by the Investigating Officer in relation to FIR No.242/08.

4. The aforesaid order dated August 12, 2014 passed by the learned CMM was challenged vide a criminal revision petition before the Sessions Judge which was dismissed vide order dated January 24, 2015 on the ground that the revision petition was barred under Section 131 of the Limitation Act.

5. The instant petition has been filed seeking to set aside the aforesaid order dated January 24, 2015 passed by the Sessions Court dismissing the revision petition filed by the complainant against order dated August 12, 2014 passed by the learned CMM.

6. Neither on merits nor with respect to the bar of limitation I find any infirmity in the impugned order dated January 24, 2015. As noted in the said order the petitioner applied for a certified copy of the impugned order much after the period of limitation had expired.

7. On merits, the accused having admitted that the complainant is the owner of the shares mentioned in Share Certificate No.18, that would be the end of the matter for the reason the said Share Certificate No.18 was never accepted as a security in any Court and as recorded in the closure report it appears to be an inadvertent error by the accused, while photocopying Share Certificate No.17 photocopying Share Certificate No.18 as well. The fact that it is an inadvertent error is apparent from the fact that even in the photocopy the name of the petitioner exists as the owner of the Share Certificate.

8. The petition is dismissed.

PRADEEP NANDRAJOG, J.

SEPTEMBER 16, 2016
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