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

+ CRL.REV.P. 479/2016 & CrI.M.A. 10913/2016

CENTRAL BUREAU OF INVESTIGATION Petitioner

Through : Ms. Rajdipa Behura, SPP with
Mr. Philomon Kani, Ms. Kriti Handa,
Mr. Vignaraj Pasayat and
Ms. Karnika, Advs.

versus

ALKA SHARMA Respondent

Through : Mr. Pramod Kumar Dubey, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **18.08.2017**

The petitioner/CBI has challenged the order dated 04.03.2016 passed by the learned Special Judge, PC Act, CBI-06, Patiala House Court, New Delhi in CC No. 13/14 corresponding to RC No. 11(A)/2014/CBI/AC-III dated 22.10.2014, whereby the respondent has been discharged for the offence under Section 201 Cr.P.C.

The concerned case was registered on 22.10.2014 by the Anti Corruption Branch of CBI and the charge-sheet was filed on 20.12.2014 against the respondent and other accused persons.

With respect to the respondent, the evidence which has been collected during the course of investigation is that when a call was made on telephone No. 9560561430 by one Bhanwar Singh with an

intention to speak with accused Ravi Mohan Sharma, husband of the respondent, the respondent replied and informed Sh. Bhanwar Singh that Mr. Ravi Mohan Sharma would call him after a while. Later, again a call was made by Sh. Bhanwar Singh which was again picked up by the respondent who informed the caller that Mr. Ravi Mohan Sharma was standing outside his residence. The other material which has been collected during the course of investigation against the respondent is that when CBI raided the house of her husband, she locked herself inside a room for good 10 minutes. It has been argued by CBI that during this period, the respondent concealed/removed the mobile phone which was used by her husband for making demands for payment of bribe money or for speaking to the person who had come to deliver the bribe money as demanded by her husband.

The Trial Court did not agree with the aforesaid contentions of the petitioner/CBI. The Trial Court was of the view that there was no direct or indirect material against the respondent to put her on trial for the offence of screening the evidence by causing disappearance of the concerned mobile phone.

This Court does not find any fault with the reasoning given by the Trial Court in discharging the respondent.

Assuming for the sake of arguments that the respondent closed herself inside a room for some time, that would not be sufficient evidence to come to the conclusion, even *prima facie* for the purpose of framing charge against the respondent, that she only caused the disappearance of the mobile phone.

True it is that the recovery of the mobile phone would be an

essential link in the case of the prosecution for establishing the element of demand and payment of bribe money to accused Ravi Mohan Sharma, nonetheless, this lone act of the respondent could not be taken as evidence enough for her to be put on trial.

This Court does not find any fault with the trial court refusing to frame charge against the respondent under Section 201 Cr.P.C.

The revision petition is without merits and is dismissed.

ASHUTOSH KUMAR, J

AUGUST 18, 2017

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