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

+ CRL.M.C. 425/2018

TARSEM LAL VERMA Petitioner

Through: Mr. Shivendra Singh, Adv.

versus

CBI Respondent

Through: Mr. Anupam S Sharrma, SPP with
Mr. Prakash Airan, Adv.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **05.12.2018**

Prosecution was launched against the petitioner by the respondent-CBI on the allegations that he obtained employment as Photographic Officer, Arms Force Films and Photo Division, Ministry of Defence, Govt. of India on the basis of false Scheduled Tribe certificate purportedly issued by the SDM, Jhunjhunu, Rajasthan. Charge under Sections 420/177/471 IPC has been framed by the trial court.

Learned counsel for the petitioner submits that no prosecution could have been launched against the petitioner unless genuineness of cast certificate was properly dealt with by the Caste Scrutiny Committee. He further submits that the whole prosecution launched against the petitioner is vitiated in law. He has placed reliance on the order 14.09.2015 passed by the Supreme Court in Special Leave to Appeal (Crl.) Nos. 2559-2561/2015

titled *Vimla Singh vs. State of NCT of Delhi*, wherein Supreme Court has held as under :-

“Having heard learned counsel for the parties, we are of the considered opinion that unless the genuineness of the caste certificate is properly dealt with by the Caste Scrutiny Committee, no criminal proceedings should be initiated, for in the present case the caste certificate has been granted by the competent authority and if any dispute is to be raised, it has be raised before the Caste Scrutiny Committee. Therefore, no prosecution shall continue unless there is a verification order from the Caste Scrutiny Committee. With the aforesaid observation and direction, the special leave petitions stand disposed of.”

In this case, admittedly, genuineness of the caste certificate was not got verified from Caste Scrutiny Committee. Accordingly, in my view, no criminal proceedings could have been initiated nor the same can continue. Accordingly, impugned order dated 25.01.2016 is set aside and petitioner is discharged.

Petition is disposed of in the above terms.

A.K. PATHAK, J.

DECEMBER 05, 2018

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