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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 687/2018

BRAJESH KUMAR

..... Petitioner

Through: Mr Abhas Kumar, Advocate along with
Petitioner in person

versus

DELHI POLICE & ORS.

..... Respondents

Through: Mr Anil Soni, CGSC with Mr Nivesh
Sharma for R-2,3,4 and 5

Mr Piyush Gaur, Advocate for UOI

Mr Rahul Mehra, Standing Counsel (Crl.) with Mr

Chaitanya Gosain, Advocates with Inspector Aditi

Lily and SI Virender Singh PS Dwarka South

Mr Ripu Daman Bhardwaj, SPP for R-8/CBI

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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06.03.2018

Crl. MA 4120/2018 (exemption)

1. Allowed, subject to all just exceptions.

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2. Mr. Brajesh Kumar has approached this Court by way of present petition as a Public Interest Litigation ('PIL') seeking, *inter alia*, a direction from the Court to monitor the investigation into the alleged embezzlement and misappropriation of scholarship fund provided to children by the Centre for Cultural Resources and Training ('CCRT'), an autonomous body working

under the Ministry of Culture, Government of India “by constituting a multidisciplinary Special Investigation Team (SIT) consisting of Delhi Police, Economic Offence Wing (EOW) headed by CBI”. An alternative prayer is for the Court to direct a time-bound CBI investigation.

3. On receipt of the advance copy of the petition, Inspector Mukesh Kumar, the Station House Officer (‘SHO’) of PS Dwarka South has filed a status report dated 6th March, 2018 in which he states that at the said PS he had received a complaint from Mr C.G. Joshi, Director of the CCRT stating that the CCRT provides scholarships to young children in the age group of 10 years to 14 years in various artistic fields at the national level. It was stated that the CCRT had received many complaints from the children and their parents regarding non-receipt of scholarship amounts. In the complaint it was stated that as a result of some preliminary enquiry it was believed that an ex-employee of the CCRT was involved in replacing/altering the names of actual scholarship holders in the soft copy of their details which were provided by the Scholarship section of CCRT. The funds were then diverted by replacing the details and inserting those of himself, his wife, mother and other persons known to him while forwarding the release payment. The fraud spoken of in the complaint was to the tune of Rs.37.25 lacs over a period of three years. A list of 16 individuals who had received the fraudulent payment was also set out in the complaint.

4. It is stated in the status report that on the above complaint, FIR No.36/2018 was registered on 7th February, 2018 at PS Dwarka South under Section 420 Indian Penal Code (‘IPC’). The statement of the Director has

been recorded and several documents collected. Investigations are underway.

5. Learned counsel for the Petitioner states that the Petitioner does not have any additional material to offer to the police for the purposes of the investigation. He points out that despite the complaint having been received by the police sometime in September, 2017, it is only on 7th February, 2018 that an FIR was registered. According to him, the Director, CCRT himself is perhaps one of the persons involved and, therefore, he does not expect the investigation on a complaint made by such a person to be conducted in a free and fair manner and taken to its logical conclusion.

6. Mr Rahul Mehra, learned Standing Counsel appearing for the State has drawn the attention of the Court to the extracts from the Special Audit Report concerning the CCRT, which has been enclosed with the petition. The said Report *inter alia* recommended that the approvals given by the Director, CCRT since 2012 should be declared as null and void and that action should be taken against him under CCS (Conduct) Rules. Mr. Mehra states that in view of the observations made against the complainant himself in the Special Audit Report, it might become necessary for the investigation of the FIR in question to be escalated to the Crime Branch.

7. The Court takes the above submission on record and directs that the investigation of FIR No. 36/2018 registered at PS Dwarka South be escalated to the Crime Branch of the Delhi Police under the Supervision of the concerned Deputy Commissioner of Police ('DCP'), forthwith and in any event not later than 48 hours from now.

8. The Court would like to reiterate that if the Petitioner has any substantial material which he thinks should be investigated, he can provide it to the Crime Branch of the Delhi Police who will then examine it with the seriousness that it deserves.

9. With the FIR having been registered on 6th February, 2018 i.e. just a month ago, it is not possible for the Court at this stage to conclude that the investigation will not take place in accordance with law. If the Petitioner finds that even after a lapse of time there is no substantial progress in the investigations, he may seek such remedies as are available to him in accordance with law.

10. No further directions are called for at this stage. The petition is disposed of.

11. *Dasti* to the parties under signature of the Court Master.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 06, 2018
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