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

\+ CRL.M.C. 2943/2017

STATE (GOVT OF NCT OF DELHI) ..... Petitioner

Through: Ms.Aasha Tiwari, APP for the State with ASI Suresh Kumar, PS New Usman Pur.

versus

RAJ KUMAR SHARMA ..... Respondent

Through: Mr.Dinesh Garg, Advocate with Respondent in person

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

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

% 15.10.2018

1. Vide order dated 17.11.2012, Trial Court framed charges under Sections 420/468/471/120-B IPC against the respondent. Aggrieved by the framing of the charges against him, respondent preferred a Criminal Revision Petition No.44275/2016 titled '*Raj Kumar Sharma vs. The State*' before the Additional Sessions Judge-01 (North-East), Karkardooma Courts, Delhi. Revision Petition was allowed and the respondent had been released. Being aggrieved by the said order, petitioner has approached this Court under Section 482 of Code of Criminal Procedure, 1973.

2. Brief facts of the case are that the respondent was working as Chief Manager of the Oriental Bank of Commerce, Kabool Nagar Branch,

Shahdara, Delhi in the year 1993. Respondent sanctioned the cash credit limit of ₹6 lakhs to co-accused Chetan Prakash, the employee, against the mortgage of the property bearing No.N-40, Street No.14-II, Brahampuri, Delhi-110053 by Chetan Prakash. The approval was granted by the respondent as Chief Manager of the Bank under his signatures.

3. Pradeep Kumar lodged a FIR under Sections 420/468/471 IPC alleging therein that he was owner of the property bearing No.N-40, Street No.14-II, Brahampuri, Delhi-110053, however, Chetan Prakash had mortgaged the same to Oriental bank of Commerce by forging the sale deed in respect of the said property.

4. Learned counsel for the respondent contended before the Revisional Court that he was roped in the case by invoking Section 120-B IPC. There was nothing against the respondent except the disclosure statements of co-accused Chetan Prakash and Rameshwar Dayal, which were inadmissible in evidence against the respondent. Respondent never appointed Rameshwar Dayal as valuer in respect of the said property nor had visited the said property himself. The Revisional Court has noted that there was no oral or documentary evidence on record to show that Rameshwar Dayal was appointed by the respondent. PW SK Duggal, in his statement under Section 161 Cr.P.C., had categorically stated that he was working in the Loan Department of the Oriental Bank of Commerce at the relevant time. He stated that one Smt.Usha Vohra was the Manager in the Loan Department. Chetan Prakash had submitted a loan application in the Loan Department and on the directions of the Branch Manager, Sh.Mahesh Kumar Chaudhary, Advocate, was appointed to verify the sale documents from the office of the Sub-Registrar, which he did. It is the Branch Manager, who had directed for

valuation of the subject property to be mortgaged by Chetan Prakash and suggested the name of Rameshwar Dayal. The report was submitted by Rameshwar Dayal to the Branch Manager, which was then forwarded to the Manager, Loan Department. Sh.S.K. Duggal stated that he was working as a Senior Manager in the Loan Department. He further stated that he and Sh.S.P.Gulati had visited the factory of Chetan Prakash at Chhajupur but did not visit the subject property. Sh.S.K.Duggal categorically stated that he submitted the unit visit report to Smt.Usha Vohra, Manager, Loan Department. The loan papers were processed by her and recommendation was thereafter made to the Branch Manager. The file was then sent to the respondent, who was the Chief Manager. It is on the basis of these documents, the respondent sanctioned the loan.

5. The Revisional Court has noted that as per the procedure of the bank, valuation report can be called from any Government approved valuer if no panel valuer is available. A letter issued by the Registrar, Council of Architecture, a statutory body constituted by the Ministry of HRD, Government of India under the Architect's Act, 1972, indicated that Rameshwar Dayal was registered with the said body as approved valuer vide registration number CA/87/10693. A copy of the letter of the Deputy General Manager (Credit) dated 04.10.1995 indicated that there was no panel of valuers maintained by the bank at the relevant time.

6. Keeping in mind the facts and circumstances of the case, I am of the view that Trial Court has not committed any perversity in discharging the respondent. The loan application was processed by the Bank Manager, Manager of Loan Department and other officials of the Loan Department and respondent had sanctioned the loan on the basis of the documents produced

before him. He did not appoint valuer nor visited the subject property.

7. Petition is dismissed.

A.K. PATHAK, J.

OCTOBER 15, 2018/*'hkaur'*