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

+ CRL.M.C. 2950/2015

STATE OF NCT OF DELHI

..... Petitioner

Through: Mr. Mukesh Kumar, APP for the
State.

versus

DARSHAN KAUR

..... Respondent

Through: Mr. Jitendra Sethi & Mr. Hemant
Gulati, Advs.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **14.08.2018**

By the report under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) submitted on conclusion of investigation into first information report No. 232/2009 of police station Sarai Rohilla, the State had sought prosecution of two persons namely Harbhajan Singh and the respondent Darshan Kaur, described as wife of the said Harbhajan Singh. The Metropolitan Magistrate, by his order dated 11.11.2014, however, found no sufficient material to put either of them on trial. The order discharging the said persons was challenged by the State in the court of Sessions invoking its revisional jurisdiction by filing Criminal Revision Petition (No. 178/2014). The said revision petition was decided by order dated 13.01.2015 whereby the revisional court found that there was evidence available to put Harbhajan Singh on trial on the charge for offence under Section 420 read with Sections 511 and 471 of Indian Penal Code, 1860 (IPC). While directing his trial before the court of Sessions, the order discharging the

respondent was upheld. It is the said part of the order of the revisional court which was challenged by the petition at hand invoking the jurisdiction of this court under Section 482 Cr.P.C.

The prime grounds on which the respondent's prosecution on similar charge is sought are that she was in medical practice on the basis of certain forged documents in the clinic of Harbhajan Singh who was also running a maternity home. The State in the present petition submits that statements of two crucial witnesses Rajat Jain and Jyoti Bhasin recorded under Section 161 Cr.P.C. during investigation were overlooked by the Metropolitan Magistrate and the revisional court.

In contrast, the respondent has placed on record the copy of the judgment dated 05.03.2015 and the statements of Rajat Jain and Jyoti Bhasin, as recorded during the said trial, they having appeared as prosecution witnesses PW-4 and PW-3 respectively. A perusal of the court depositions of the said witnesses would show that they were not aware of the identity of the lady doctor who was practising with Harbhajan Singh in the clinic, they having categorically stated that they had never seen the wife of Harbhajan Singh in the clinic at any stage. Be that as it may, even the prosecution of Harbhajan Singh has failed as he was acquitted by order dated 13.01.2015 of the court of Sessions, the State concededly not having challenged the said acquittal of Harbhajan Singh by any petition.

In the above facts and circumstances, the petition at hand is found devoid of substance and merit. It is dismissed accordingly.

R.K.GAUBA, J

AUGUST 14, 2018/nk
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