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

+ **W.P.(C) 985/2014**

RFN PRAMOD KUMAR Petitioner
Through Mr. D.S.Kauntae, Advocate

versus

UNION OF INDIA & ORS. Respondents
Through Ms. Barkha Babbar, Advocate for
Respondent/UOI

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

% **ORDER**
12.07.2019

1. This order must be read in continuation of the earlier order passed by this Court on 8th March, 2019.

2. At the outset it should be noted that in between that order and today there was another hearing on 26th April, 2019 when Mr. D.S. Kauntae, Advocate appeared for the Petitioner in place of Ms. Archana Ramesh, Advocate who had appeared for the Petitioner on 8th March, 2019. Interestingly at an earlier stage of these very proceedings it was Mr. Kauntae had appeared on behalf of the Petitioner in fact even prepared and filed affidavit on his behalf.

3. Two issues were pointed out by this Court in its order dated 8th March, 2019. One was regarding the authenticity of a document titled 'leave certificate' which had been annexed as Annexure P-3, by the Petitioner to his Review Petition

303/2018. The second was the authenticity of a document titled 'movement order' purportedly issued by the 22nd Battalion of the Rajputana Rifles and dated 17th July, 2010. This again was annexed by the Petitioner as Annexure P-7 to his review petition.

4. This Court in the order dated 8th March, 2019 noted that in its reply to the Review Petition the Respondents had questioned the authenticity of both the above documents. The positive case of the Respondents was that both documents were forged and fabricated and did not form part of the original record of the Respondents.

5. Taking a serious note of the above stand of the Respondents, this Court in its order dated 8th March, 2019 required the Respondents to produce whatever original records were available with them which would substantiate the averments made by them in the counter affidavits. The original records were produced on the next date i.e. 26th April, 2019. Mr. Kauntae, who appeared on behalf of the Petitioner, was permitted to inspect the original record which he has since done. On their part, the Respondents have filed in this Court a compilation prepared from the original record of the relevant documents to substantiate their case that the above two documents are forged and fabricated.

6. Today this Court has heard at length the submissions of Mr. Kauntae. Although he addressed the Court at length, Mr. Kauntae was unable to persuade this Court that the above two documents were in fact neither forged nor fabricated. On the other hand for the first time Mr. Kauntae produced before this Court the original of a 'Leave Certificate' issued to the Petitioner purportedly on 16th July, 2010 granting him leave from 16th July, 2010 to 7th August, 2010. A photocopy of the

said document along with its original, produced across the bar, are retained on the record these proceedings. However, this document by no means provides an explanation for the charge laid against the Petitioner by the Respondents that he has produced two forged and fabricated documents along with his review petition before this Court.

7. The Court is, therefore, not satisfied that the Petitioner that he has come to this Court with clean hands. On the basis of such documents, which prima facie appeared to this Court to be forged and fabricated, he persuaded this Court to allow his Review Petition by an order dated 12th December, 2018 whereby the earlier order dismissing his writ petition 17th August, 2015 was recalled and the writ petition was restored to its file.

8. The necessary consequence of the above discussion is that the present Writ Petition (C) 985/2014 is hereby dismissed with costs of Rs. 25,000/- which will be paid by the Petitioner to the Respondents within four weeks.

9. The Court is prima facie satisfied that the two documents referred to herein before i.e. Annexures P-3 & P-7 produced by the Petitioner along with his Review Petition before this Court appeared to be forged and fabricated.

10. In exercise of the powers of the Court under Section 340 Cr PC read with Section 195 Cr PC, the Court directs the Registrar General of this Court to refer the matter to the Court of the concerned Judicial Magistrate for an inquiry and further proceeding in accordance with law against the Petitioner.

11. The entire record of the case will be sent to the said Magistrate along with the reference made to him pursuant to the present order.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JULY 12, 2019

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