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

+ **CRL.REV.P. 313/2019 & CRL.M.A. 5745/2019**

JAIDEEP GUPTA

..... Petitioner

Through Mr S.K. Saxena, Mr Neeraj Chaudhai,
Mr Pramod Jalan, Ms Manisha Sharma, Ms Astha
Nigam, Mr Yashaswin V. Bajpai, Advocates.

versus

CENTRAL BUEAU OF INVESTIGATION Respondent

Through Mr Rajesh Kumar, SPP with
Ms Santwana, Advocate for CBI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.02.2020

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 19.02.2019 whereby the learned Special Judge CBI-05, (PC Act), Patiala House Court, had framed charges against the petitioner.
2. The said case is based on the FIR bearing No. RC-11(A)/2007DLI. The gravamen of the allegation is that the President of the Indian Nursing Counsel (INC), while performing his functions, had colluded with promoters/management of six nursing training institutes, including a College of Nursing Indraprastha Apollo Hospital, New Delhi and had dishonestly replaced adverse Evaluation Proformas of the said institutes with the new Evaluation Proformas recommending that the institutes were suitable for enhancement of seats/recognition. This was in spite of the reports of ad-hoc

Inspectors showing various weak points and shortcomings.

3. Insofar as the petitioner is concerned, it is alleged that the College of Nursing Indraprastha Apollo Hospital, New Delhi had been inspected on 27.04.2006 by Ad-hoc inspectors and an evaluation Proforma was prepared. It is alleged that the said Evaluation Proforma noted various shortcomings including shortage of M.Sc faculty members. The Evaluation Proforma noted that three more M.Sc. teachers for Obstetrics, Pediatrics and Psychiatry were required to be appointed. Although, these shortcomings were not informed to Indraprastha Apollo Hospital, yet, the petitioner had sent a letter dated 08.05.2006 providing an explanation that two M.Sc. nursing candidates were being appointed in the faculty position and this would result in the faculty strength being increased to four M.Sc. nursing professionals. On the said basis, a request was made for approval of the B.Sc. (Hons.) Nursing Programme for the academic sessions 2006-07 at the earliest. It is alleged that the same could not have been possible unless the petitioner was a part of the conspiracy and was informed regarding such shortcomings, which necessitated him to write the letter dated 08.05.2006. It is alleged that the said letter formed the basis of altering the negative comments in the Evaluation Proforma Report.

4. The learned counsel appearing for the petitioner states that there is no question of any conspiracy because the evaluation report was submitted to INC on 16.05.2006, which was after the petitioner had sent a letter dated 08.05.2006. He submits that therefore the President of INC was not aware of the report and could not have disclosed the said shortcomings to the petitioner. He also submits that no facilities had been granted to the

institution and therefore, the allegations of conspiracy against the petitioner are ill-founded.

5. This Court is informed that the trial is at the final stages and all witnesses, apart from one, have already been examined. The contention that the charges framed against the petitioner are *ex-facie* without any bases is difficult to accept. The impugned order does indicate the rationale on the basis of which allegations have been made. The question whether the charges are established or not is a matter of trial and therefore, this Court does not consider it apposite to interfere with the impugned order framing charges against the petitioner.

6. It is clarified that any observations made by this Court in this order shall not prejudice any of the parties in the pending trial and the Trial Court shall consider the case on merits uninfluenced by any such observations.

7. The petition is, accordingly, dismissed. The pending application is also disposed of.

VIBHU BAKHRU, J

FEBRUARY 14, 2020

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