



2024:DHC:6020



\$~17

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

Date of decision: 25th JULY, 2024

IN THE MATTER OF:

+ **CRL.M.C. 380/2022 & CRL.M.A. 1724/2022**

RAVI RAJ @ RAVI KUMAR

.....Petitioner

Through: Mr. Prakash Chander, Advocate.

versus

**GOVT. OF N.C.T. OF DELHI, THROUGH ITS SECRETARY,
DELHI**

.....Respondent

Through: Mr. Aman Usman, APP for the State
SI Gaurav Kumar, D-319, PS
Rajinder Nagar

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT (ORAL)

1. Petitioner has approached this Court challenging the Order dated 30.11.2021, passed by the learned Additional Sessions Judge -02, Central District, Tis Hazari Courts, dismissing the Revision Petition, being Criminal Revision Petition No.83/2019, filed by the Petitioner herein against the Order dated 31.07.2019, passed by the learned Metropolitan Magistrate, Tis Hazari Courts, Delhi, framing charges under Sections 417/419/468 IPC against the Petitioner herein in FIR No.44/2009, dated 05.04.2009, registered at Police Station Rajinder Nagar, for offences under Sections 419/420 IPC.
2. The facts, in brief, leading to the present Petition, are that the present FIR was registered on the complaint of one Nand Kishore, who is the Vice



2024:DHC:6020



Principal of Bal Bharti Public School, Rajinder Nagar, Delhi. In the complaint it is stated that Bal Bharti Public School, Rajinder Nagar, was the centre for All India Pre Medical Examination, 2009 (Centre No. 2301) and a case of impersonation was reported by the invigilator while verifying the candidate - Raushan Chaturvedi S/o Sunil Chaturvedi, bearing Roll No. 2300561. It is stated that the photographs, signatures, and other entries as per the admit card of Raushan Chaturvedi did not match. It is stated that on further verification, the mother's name told by the candidate who appeared in the examination was found different from the list supplied by the CBSE. It is stated that on further interrogation, the candidate who appeared in the examination for the actual candidate Raushan Chaturvedi, disclosed his name as Ravi Raj S/o Sh. Tej Narain Prasad R/O Village- Basuli, P.S. Pipra Bazar, P.O. Sumariya, Distt. Sapaul, Bihar Age-22 yrs, i.e. the Petitioner herein. On the said complaint the present FIR was lodged. Charge-sheet has been filed under Sections 419/420/468/417 IPC. In the chargesheet, it is stated that the Petitioner herein disclosed that he lives in Patna and is preparing for medical exams. The Petitioner further stated that he met with Raushan Chaturvedi, who told him that he was also preparing for medical examinations and his examination for the same was scheduled on 05.04.2009 at Bal Bahrti Public School. It is stated that the Petitioner asked Raushan Chaturvedi about the pattern of examination and Raushan Chaturvedi told the Petitioner that he had not prepared for the said exam and that he is not taking this exam. It is stated that Raushan Chaturvedi offered the Petitioner to take the exam in his place and handed over his admit card to the Petitioner for taking the said exam in his place. It is stated that during the course of investigation, documents of actual candidate Raushan Chaturvedi



2024:DHC:6020



were also obtained from the Bal Bharti School and specimen signature of the Petitioner and the said Raushan Chaturvedi were taken and both were sent to FSL Rohini for expert opinion.

3. The learned Metropolitan Magistrate *vide* Order dated 31.07.2019 held that *prima facie* offences punishable under Sections 417/419/468 IPC are made out against the Petitioner herein and accordingly charges were framed. The said Order was challenged by the Petitioner before the learned Additional Sessions Judge by filing a Criminal Revision Petition which has been dismissed by the learned Additional Sessions Judge *vide* Order dated 30.11.2021. It is this Order which is under challenge in the present Petition.

4. It is contention of the learned Counsel for the Petitioner that the offences under Sections 417/419/468 IPC are not made out against the Petitioner for the reason that the ingredients of the said Sections are not made out against the Petitioner. According to the learned Counsel for the Petitioner, the Petitioner has not committed the offence punishable under Sections 417 and 419 IPC as he has not induced Raushan Chaturvedi to deliver any property to him in lieu of sitting in the exam on his behalf. He further states that the chargesheet does not disclose as to whom the Petitioner has deceived and induced. He further states that the Petitioner has not deceived any invigilator or the examination board to make them believe that the Petitioner is the same person who was authorized to take the examination. He further states that the offences under Section 468 IPC are not made out against the Petitioner as he has not forged any documents. Learned Counsel for the Petitioner also states that the offence was committed on 05.04.2009 and the cognizance has been taken in 2019 by the learned Metropolitan Magistrate. He states that no cognizance ought to have



2024:DHC:6020



been taken by the learned Metropolitan Magistrate for offences under Sections 417 & 419 IPC as the punishment under the said offences is only for three years.

5. Heard the learned Counsel for the Petitioner and perused the material on record.

6. At this juncture, it is pertinent to reproduce the relevant Sections of IPC for which the Petitioner has been charged and the same reads as under:

“415. Cheating.—Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to “cheat”.

416. Cheating by personation.—A person is said to “cheat by personation” if he cheats by pretending to be some other person, or by knowingly substituting one person for or another, or representing that he or any other person is a person other than he or such other person really is.

Explanation.—The offence is committed whether the individual personated is a real or imaginary person.

417. Punishment for cheating.—Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

xxx

419. Punishment for cheating by personation.—Whoever cheats by personation shall be punished with



2024:DHC:6020



imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 420. Cheating and dishonestly inducing delivery of property.

Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

xxx

Section 468. Forgery for purpose of cheating.

Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment of either de-scription for a term which may extend to seven years, and shall also be liable to fine.”

7. This Court is not able to accept the contention of the learned Counsel for the Petitioner. A perusal of Section 415 IPC which is punishable under Section 417 IPC and Section 416 IPC which is punishable under Section 419 IPC show that ingredients of cheating are made out. The Petitioner has deceived the authorities by impersonating himself as Raushan Chaturvedi and has attempted to take the examination. Charge-sheet has also been filed against the Petitioner for offences under Section 420 IPC which is punishable upto seven years for which there is no limitation prescribed for



2024:DHC:6020



taking cognizance. In view of the above, the argument of the learned Counsel for the Petition cannot be accepted.

8. A reading of the abovementioned provisions shows that ingredients of Section 468 IPC are made out against the Petitioner which is punishable upto seven years. The Petitioner has signed on the papers for the purpose of taking the examination for Raushan Chaturvedi and, therefore, the ingredients of Section 468 IPC are attracted.

9. In view of the above, this Court is not inclined to interfere with the Order framing charges and the Order passed by the learned Additional Sessions Judge.

10. Accordingly, the Petition is dismissed, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

JULY 25, 2024

Rahul