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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 1066/2024, CRL.M.A. 25505/2024 & CRL.M.(BAIL)
1426/2024

RAM NAVAMI MEHTO

.....Petitioner

Through: Mr. Farz Maqbool, Adv (DHCLSC)
Mr. Chandan Kumar, Mr. Ishan
Phukan, Advocate.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Rajesh Kumar, SPP and Ms.
Mishika Pandita, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

28.08.2024

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1. This petition has been filed seeking, assailing the judgment dated 20th May, 2023 and an order on sentence dated 24th August, 2023 passed by the ACMM, Rouse Avenue District Court, New Delhi convicting the petitioner for offences under Sections 420/ 471 IPC and sentencing him for 3 years RI plus 35,000/- fine and SI of 6 months in default.
2. The judgment of conviction and order on sentence had been appealed against before the Special Judge, CBI, (PC Act) which appeal was dismissed by order dated 27th May 2024.
3. The background facts are that on 01st March 1995, accused joined Delhi Jal Board as Assistant Pump Driver under the ST category, allegedly by using a forged ST certificate purportedly issued in his name from the office of



Zilla, Padhadhikari, Chhapra, Bihar.

4. The District Welfare Office issued a letter on 16th March 2010, stating that the certificate was not issued from their office. In addition, another certificate had been presented by the accused purportedly issued by ITI, Muzaffarpur, Bihar certifying that he was employed in the trade of Wireman. Subsequently, the document was also not proved, and as per the record, the petitioner/ accused was never part of the institute.

5. This Court has perused the Trial Court order, which traverses in detail the testimonies of various prosecution witnesses. It is noted that no defence evidence was led by the petitioner.

6. *Firstly*, counsel for petitioner raises an issue relating to an observation by the Trial Court whether it could have determined whether the accused did belong to *Kharia* caste or not.

7. Trial Court in para 31 notes that the claim of forgery cannot be proved on the premise that the accused did not belong to the *Kharia* caste, and it was not for the Court to determine whether he was a member of the *Kharia* caste or not.

8. On this issue, the evidence of PW-5 and PW-6 is noticed, as pointed out by the counsel for the CBI. PW5, who was a Panchayat Sewak of District Saran, stated he had conducted an inquiry in the village of Bhagalpur District about the caste of the accused, and it was found that he belongs to the *Nonia* caste, which comes under the OBC category and not in the ST category. The same was endorsed by the testimony of PW-6.

9. *Secondly*, it was contended that the mark sheet of the year 1986-88 was not available in the records of the ITI Institute, and, therefore, the prosecution



could not be seen to have proved that the petitioner had not attended the Institute at that time.

10. In this regard, counsel for the CBI has pointed out to testimonies of PW-9 and PW-11. PW-9 had worked in the year 1988 as ITI Principal, and after having checked the entire relevant record, he deposed that there was no data of the accused that he had studied and qualified in the trade of wireman in the academic year 1986-88. The marksheet propounded by accused and the certificate was stated by him to be not genuine. PW11 was a clerk at ITI Muzaffarpur and produced the relevant records, including the Admission Register of the year 1986-88, which had no record of the petitioner being part of the Institute.

11. In these circumstances, and considering that the accused did not provide any positive proof or lead any evidence in support of his claim, as also that the Trial Court order is adequately detailed and precise in its assessment, this Court does not find any reason to interfere with the order, appeal against which has already been dismissed by the Special Judge as well.

12. Petition is dismissed. Pending applications (if any) are also rendered infructuous.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 28, 2024/RK

Click here to check corrigendum, if any