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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 1240/2024 & CRL.M.A. 32402/2024 & CRL.M.A.
32403/2024 & CRL.M.A.32404/2024
SUMIT BAJAJPetitioner

Through: Appearance not given

versus

STATE GOVT. OF NCT OF DELHI AND ANRRespondents
Through: Ms. Richa Dhawan, APP for State
with Insp. Jageer, EOW

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
25.10.2024

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1. The instant bail application under Section 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) (Earlier Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking setting aside the order dated 6th June, 2024 (hereinafter “impugned order”) passed by the learned Chief Metropolitan Magistrate (CMM), East District, Karkardooma Courts, Delhi in case no. 3526/2017, pursuant to FIR no. 244/2017 registered at Police Station Mayur Vihar, Delhi under Section 420/34/120B of the Indian Penal Code, 1860 (hereinafter as ‘IPC’).

2. Learned counsel appearing on behalf of the petitioner/revisionist submitted that while framing the charges, the learned CMM has not taken into consideration all the facts as the petitioner was acting merely as a



broker to the complainant and he has only arranged the meeting with the Directors of the company and one investor. It is submitted that there was no intent of any commissioning of crime or no intent to cheat the investors and the petitioner had no knowledge that the company does not own the land on which the proposed project was going to be constructed.

3. It is submitted that the petitioner acted with the *bona fide* intention as an agent of the company and had a good faith on the advertisement of the company as he arranged the meeting with the investors and the director of the company. It is submitted that his mother has also invested the money in the company and she has also become the victim of the fraud played by the directors of the company.

4. It is submitted that in the first chargesheet filed by the investigating agency, the name of the petitioner was not reflected as no material was collected by the investigating agency against him and the same came into the picture in subsequent chargesheet where he has been made an accused without any basis or without any material.

5. It is submitted that while passing the impugned order on charge, learned CMM had not taken into consideration that there was no material on record against the accused in the supplementary chargesheet and therefore, the impugned order passed by the learned CMM for framing the charges against the petitioner for offence under Sections 318/61(2) of the BNS may be set aside.

6. *Per contra*, Ms. Richa Dhawan, learned APP for the State appearing on advance notice vehemently opposed the instant petition and submitted that the concerned Court passed the impugned order after considering all the material on record which was collected by the Police during the



investigation and submitted a supplementary chargesheet in which the petitioner was made an accused.

7. It is further submitted that while passing the impugned order, the learned Trial Court had taken into consideration all the facts which are contained in paragraphs no. 2 and 3 of the impugned order and also took into consideration the submissions made by the revisionist herein which are contained in paragraph no. 4 of the impugned order and after considering the submissions of the petitioner, the learned Trial Court was *prima facie* satisfied about the material which was placed before concerned Court along with the chargesheet and supplementary chargesheet was sufficient to charge the petitioner under the offence punishable under Sections 318/61(2) of the BNS.

8. It is submitted that in view of the revisional jurisdiction, this Court has very limited power to interfere in the impugned order passed by the learned Trial Court when there is no illegality or error which is contrary to the law already established for the satisfaction of the concerned Court at the stage of framing of charges. Therefore, in view of the above facts and circumstances, the learned APP submitted that the instant revision petition, being devoid of any merits, is liable to be dismissed.

9. Heard learned counsel appearing on behalf of the parties and perused the contents made in the instant petition.

10. This Court has also perused the impugned order by which the petitioner was charged under Sections 318/61(2) of the BNS as well as the other documents on record.

11. This Court has perused the contents contained in paragraph 4 of impugned order passed by learned Trial Court in which the submissions of



the petitioner were recorded and also the material which was collected by the Police/investigating agency which was submitted along with the supplementary chargesheet.

12. The main crux of the arguments of the petitioner was that he acted only as an agent of the company or broker and acted with the *bona fide* intention, therefore, there was no intention to cheat any investor. He also claimed to have no knowledge about the fact that the said company does not own any land on which the proposed project is to be constructed.

13. It is admitted fact as per the submissions of the petitioner that he has arranged the meeting with the director of the company and one investor but whether he had the knowledge or not of the facts that the concerned company is not owning any land for proposed project or the petitioner has no intention to cheat the investors is certainly a matter of trial which cannot be decided at the stage of framing of charges.

14. Therefore, this Court does not find any merit to allow the instant petition.

15. Accordingly, the instant petition stands dismissed along with pending applications, if any.

CHANDRA DHARI SINGH, J

OCTOBER 25, 2024

gs/av

Click here to check corrigendum, if any