

IN THE COURT OF MS. JYOTI MAHESHWARI,
ADDITIONAL CHIEF JUDICIAL MAGISTRATE-05,
ROUSE AVENUE DISTRICT COURT, NEW DELHI

SUPREME COURT OF INDIA Vs. MILAP CHAND JAGOTRA & ORS.

Case No. Ct Cases/36/2019 RC No.299/1

CNR No. DLCT12-000739-2019

Under Sections: 120B/193/199/218/466/471 IPC

Date of Institution : 23.08.1994

Date of Reserving : 27.02.2026

Date of Pronouncement : 27.03.2026

a)	Serial number of the case :	CBI/36/2019
b)	Period of commission of offence :	April 1986
c)	Name of the complainant :	Supreme Court of India, through its Registrar General.
d)	Name, parentage and address of the accused persons :	1. Milap Chand Jagotra, S/o Late Sh. Beli Ram, the-then Lower Division Clerk, CR Section, President's Secretariat, New Delhi, R/o K-4, Sr. Citizens Home Complex, P-4, Greater Noida (UP) (Proceedings against him have already been abated vide order dated 22.08.2023). 2. Gurcharan Singh, S/o Sh. Bishan Singh, the-then Senior Hindi Translator, Personnel Cell, President's House, New Delhi (Proceedings against him have already been abated vide order

		<p>dated 25.05.2022).</p> <p>3. Mohan Lal Jatia, S/o Sh. Ram Gopal Jatia, R/o 81, Jatia Sadan, Worli Sea Face, Bombay.</p> <p>4. Pushpa Devi Jatia, W/o Sh. Mohan Lal Jatia, R/o 81, Jatia Sadan, Worli Sea Face, Bombay (The accused expired on 17.03.2019 and the proceedings against her have already been abated).</p> <p>5. Ashok Jatia, S/o Sh. Ganesh Narayan, R/o 81, Jatia Sadan, Worli Sea Face, Bombay.</p> <p>6. Ashok Jain, S/o Late Sh. B.R. Jain, R/o 5291/93, Kolhapur House, Kamla Nagar, Delhi.</p>
e)	Offence complained of	: Section 120 r/w Sections 193/199/218/466/471 IPC.
f)	Plea of the accused	: Accused persons pleaded not guilty and claim trial.
g)	Final Order	: ACQUITTAL
h)	Date of Decision	: 27.03.2026

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INDEX OF ABBREVIATIONS AND REFERENCES USED

S. No.	Abbreviation	Full Form
1.	CR	Central Registry
2.	DS	Deputy Secretary
3.	PSP (KS)	Private Secretary to the President (Sh. Kulwant Singh)
4.	COFEPOSA	Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974
5.	WP	Writ Petition
6.	SLP	Special Leave Petition
7.	CMP	Criminal Miscellaneous Petition

The word “Rashtrapati Bhawan” and “President’s Secretariat” have been used interchangeably.

JUDGMENT

1. The present case is the oldest case on the docket of this Court and presents a unique factual matrix, where the complainant is the Hon'ble Supreme Court of India. Vide this Judgment, the Court shall determine whether the accused persons, namely, Mohan Lal Jatia, Ashok Jatia and Ashok Jain are guilty of the offences punishable, u/S 120B r/w Sections 193/199/218/466/471 IPC, for which they are charged in the present case.

CASE OF THE PROSECUTION

2. The genesis of the present case lies in the Order of the Hon'ble Supreme Court of India, dated 20.07.1994, in Writ Petition (Crl.) No.363/86 and Special Leave Petition (Crl.) No.1370/86, directing the Registrar General, Supreme Court of India to file a complaint before a Court of competent jurisdiction, against the accused persons, namely, Milap Chand Jagotra (A-1), Gurcharan Singh (A-2), Mohan Lal Jatia (A-3), Pushpa Devi Jatia (A-4), Ashok Jatia (A-5) and Ashok Jain (A-6).

3. The brief backdrop, leading to the institution of the present complaint, is that the accused Mohan Lal Jatia (A-3) was detained under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA), vide detention Order dated 13.12.1985. The said Detention Order was challenged by his

wife, Late Ms. Pushpa Devi Jatia (A-4), before the Hon'ble Bombay High Court vide Writ Petition (Crl.) No. 385/86. The said Writ Petition was dismissed by the Hon'ble Bombay High Court vide Order dated 02/03.05.1986.

4. Aggrieved by the said Order, Ms. Pushpa Devi Jatia (A-4) filed a Special Leave Petition SLP (Crl.) No. 1370/86 before the Hon'ble Supreme Court of India on 06.05.1986. Additionally, a Writ Petition (Crl.) No. 363/86 was also filed before the Hon'ble Supreme Court on 11.07.1986, wherein, one of the grounds was that a written representation dated 11.04.1986, was made to the President of India and the same was received in the Secretariat of the President of India on 15.04.1986. It was contended that despite the said representation being filed and delivered, the same was not considered and no reply was received by the detenu Mohan Lal Jatia (A-3).

5. The said SLP (Crl.) No. 1370/86 and WP (Crl.) No. 363/86 were taken up together and came up for hearing before the Hon'ble Supreme Court on 19.07.1986 and notice was issued to the Union of India. On 26.08.1986, the Dak Register from the office of Rashtrapati Bhawan, was produced before the Hon'ble Supreme Court of India. During the course of hearing, it was directed by the Hon'ble Court to file an affidavit of the person, who had allegedly submitted the representation in the Secretariat of Rashtrapati Bhawan. Consequently, on 29.08.1986, the accused Ashok Jain (A-6) filed an affidavit stating that

he had submitted the representation on 15.04.1986 in the President's Secretariat.

6. Sh. K.C. Singh, the-then Deputy Secretary to the President of India also filed a reply affidavit dated 03.09.1986 before the Hon'ble Supreme Court of India, stating that the accused Ashok Jain (A-6) had never delivered the written representation at Rashtrapati Bhawan. He also further stated in the affidavit that "the Office of President of India is enquiring into the circumstances, as to how the entry of said written representation is made in the DAK Register meant for unopened letters."

7. Subsequently, on 12.09.1986, a Criminal Miscellaneous Petition (CMP) No. 4164/86 was filed by Union of India before the Hon'ble Supreme Court of India, alleging that the accused persons, namely, Mohan Lal Jatia (A-3), Pushpa Devi Jatia (A-4), Ashok Jatia (A-5) and Ashok Jain (A-6), entered into a conspiracy with each other and created/ tendered false evidence to secure the release of the detenu i.e. Mohan Lal Jatia (A-3).

8. Vide Order dated 01.05.1987, in CrI. Misc Petition No. 4164/86, the Hon'ble Supreme Court ordered the Director of CBI to investigate into the matter, and in pursuance of the same, the-then SP, CBI submitted his report before the Hon'ble Supreme Court on 31.01.1989. The SP, CBI vide his report dated 31.01.1989, recommended for filing a complaint against accused persons, namely, Mohan Lal Jatia, Smt.

Pushpadevi Jatia, Ashok Jatia, Ashok Jain (Private persons) and the Government servants, namely, Gurcharan Singh and Milap Chand, for commission of offences u/S 120-B r/w Sections 193, 199, 218, 466 and 471 IPC, as per provisions of Section 195 Cr.PC.

9. Consequently, vide Order dated 20.07.1994, the Hon'ble Supreme Court of India directed the Registrar General to file a complaint, in terms of Section 195 r/w Section 340, CrPC, before a Court of competent jurisdiction against the aforementioned 6 accused persons. Pursuant to the above directions, the said complaint was filed on 19.08.1994 u/S 340 CrPC, before the-then Ld. CMM, New Delhi, by the Registrar General, the Hon'ble Supreme Court of India.

10. Vide Order dated 23.08.1994, the-then Ld. MM, in accordance with the procedure laid down in Section 343 CrPC; took cognizance of the offences u/S 120B/193/199/218/466/471 IPC as disclosed in the complaint, and accordingly, all the accused persons were summoned.

CHARGE

11. Vide Order dated 28.06.2013, the aspect of charge was decided and it was held that charges be framed against the accused persons, namely, Milap Chand Jagotra (A-1), Gurcharan Singh (A-2), Mohan Lal Jatia (A-3), Pushpa Devi Jatia (A-4), Ashok Jatia (A-5) and Ashok Jain (A-6), u/S 120B r/w 193/199/218/466/471 IPC. Accordingly, charges were framed against all the accused persons on 02.07.2013, to

which they pleaded non guilty and claimed trial. The matter was then listed for prosecution evidence.

PROSECUTION EVIDENCE

12. The prosecution, in order to prove and substantiate its case, has examined 10 witnesses. Since the present case hinges heavily on the testimony of the prosecution witnesses, their testimonies are being discussed in detail, in the following paragraphs:

(i) **PW-1 Sarnjit Singh Bhamra**: He joined the President's Secretariat in May, 1984 as an Lower Division Clerk (LDC) in the Public-1 Section and thereafter, he was transferred to Central Registry. The witness used to sit at the Dak Receipt Counter of CR section and his duty was to receive dak from individuals, Government officials, diplomats etc. and place the same before the Section Officer and then diarising the same in the concerned registers maintained section-wise etc.

- The witness testified that he would also give printed acknowledgment to individuals, if they asked for the same. In the case of Dak received from Government offices, a stamp was affixed as acknowledgment on the peon book of the concerned offices.

- The witness categorically deposed that there was no provision to give acknowledgment on carbon copy or hand-written or duplicate copy of petition/letter of individuals.
- As regards the procedure of receiving dak, the witness testified that at the time of receiving dak from any individuals or from Government Officers, no diary number was given. He further deposed that after diarising the Dak marked by Section Officer, the same used to be sent to the concerned Section, through Peon/ Zamadar.
- The witness also identified Register no. 8 i.e. the Dak Register in question and deposed that the Register was maintained in the CR Section of Rashtrapati Bhawan, w.e.f. 01.01.1986 to 11.08.1986. The witness also identified that entry no. 19 dated 15.04.1986, and entry no. 20-A dated 16.04.1986 was in his handwriting, but the letter 'A' in the said entry was not written by him and was inserted subsequently.
- During the course of his testimony, **the witness also categorically deposed that the entry in question i.e. Entry No. 20 dated 15.04.1986 was not there in the Register, when he made the above entries i.e. Entry No. 19 as well as Entry No. 20A.** Moreover, he also testified that there was no procedure or practice to make any particular entry by adding the letter 'A' or 'B' or any other letter in the said register or in any other register maintained in CR Section, during the relevant period. The witness deposed that upon inquiry, it was revealed that the entry in question had been forged.

- The following documents were exhibited during the course of his examination-in-chief:

S.No.	Exhibit No.	Description
1.	Ex. PW-1/1 (D-10)	Dak Register (Register No. 8)
	Ex. PW-1/A	Entry No. 19 dated 15.04.1986, in the Dak Register.
2.	Ex. PW-1/B	Entry No. 20A dated 16.04.1986, in the Dak Register.

- During the cross-examination of witness, he deposed that the CBI had not sought any document or circular from him, regarding his place of posting on 15.04.1986. He also deposed that during the course of his official duties, he did not come across the Representation dated 11.04.1986, and thus was unable to respond as to whether the same was received in a closed envelope or in an open condition.

- He also deposed that PSP (KS) in the disputed entry referred to Private Secretary to President and KS referred to Sh. Kulwant Singh. He also deposed that CR section used to remain open 24 hours a day and Daks used to be received even after 5:30 pm, during the relevant period.

- During his subsequent cross-examination dated 16.09.2013, he testified that there was no practice to give diary number on the acknowledgment, but he admitted that he was not aware of any

instructions/ rules/ circulars in this regard, issued by the competent authority.

(ii) PW-2 Yogender Kumar: The said witness was working as an LDC in the CR Section of the President's Secretariat, President House, New Delhi in the year 1986. His duties involved making entries of outward letters in the register maintained in the CR section of the President's Secretariat and thereafter, dispatch them to the concerned branch/ offices.

- The witness testified that besides him, Milap Chand Jagotra LDC, S.C. Barau, M.S. Siddiqui, B.N. Sharma and Chotte Lal were also posted in the CR Section and were also performing a similar job of making entries in the relevant Registers.

- The witness testified that during the relevant time, Sh. I.D. Jajoria (PW-5) was the Section Officer. The witness deposed that entry no. 17 dated 13.04.1986 and entry no. 22 dated 18.04.1986, in the Dak Register (**Ex. PW1/1**) was in his handwriting.

- The witness also identified the attendance register (**D-15**), which was maintained in the CR Section in the year 1986 and the same was exhibited as **Ex.PW-2/A**.

- The witness testified that on 15.04.1986, his duty hours were from 6:00 pm to 10:00 am the next day and identified his initials at

point A in the said Register (**Ex.PW-2/A**). He also testified that the accused Milap Chand Jagotra was also on duty from 7:00 pm to 10:00 am on 15.04.1986, as per the Register and identified the initials of accused Milap Chand Jagotra at point C.

- The witness corroborated the testimony of PW-1 and deposed that the entries in the Dak Register (**Ex.PW-1/1**) were made in ascending order and there was no practice of mentioning any entry as A or B, suffixed with the number. He also deposed that **when he was performing night duty on 15.04.1986, the entry in question i.e. entry no. 20 in the Dak Register was not there, but he could not answer, as to who had made the entry in question.** The witness also identified the accused Milap Chand Jagotra in the Court.

- During his cross-examination, the witness deposed that there was no circular or rule book, containing directions/ guidelines for making entries in the Dak Register, as per his knowledge. He also admitted that as per his knowledge, there was no office circular/ rule book, wherein it was specifically prescribed not to use A or B suffix before any number in the entries in the Dak Register.

- He also corroborated the testimony of PW-1 and deposed that during 1986, CR section used to remain open for 24 hours. He also testified that during the inquiry conducted, as regards the entry in question; the representation of accused Mohan Lal Jatia (A-3) was not traceable.

(iii) PW-3 Rajender Prasad: The witness was working as a Court Assistant in the Supreme Court of India in the year 2015. Further, he was authorised by Registrar (Judicial), Hon'ble Supreme Court of India, to produce the official record of Supreme Court of India, pertaining to the present case, before the Ld. Predecessor of this Court. He tendered the following documents during his testimony:

S. No.	Exhibit No.	Description
1.	Ex.PW-3/A	WP (Crl.) No. 363/1986 filed in the Hon'ble Supreme Court of India on 11.07.1986.
2.	Ex.PW-3/B	Order dated 20.07.1994 passed by Hon'ble Supreme Court of India in WP (Crl.) No. 363/1986.
3.	Ex.PW-3/C	Affidavit filed on 09.09.1986 by Ashok Jain (A-6) in WP (Crl.) No. 363/1986.
4.	Ex.PW-3/D	Affidavit filed on 29.08.1986 by Ashok Jain (A-6) in SLP (Crl.) No. 1370/86 and WP (Crl.) No. 363/1986.
5.	Ex.PW-3/E	Affidavit filed on 26.09.1986 by Ashok Jain (A-6) in WP (Crl.) No. 363/1986.
6.	Ex.PW-3/F (OSR)	Affidavit filed on 03.09.1986 by K.C. Singh in WP (Crl.) No. 363/1986.
7.	Ex.PW-3/G (OSR)	Affidavit filed on 12.09.1986 by S.K. Choudhary in Crl. Misc. Petition No. 464/1986.
8.	Ex.PW-3/H (OSR)	Crl. Misc. Petition No. 464/1986 filed in WP (Crl.) No. 363/1986.
9.	Ex.PW-3/J	Affidavit filed on 11.07.1986 by Ashok Jatia (A-5) in WP (Crl.) No. 363/1986.
10.	Ex.PW-3/K	Affidavit filed on 06.05.1986 by Late Ms. Pushpa Devi Jatia (A-4) in SLP (Crl.) No. 1370/86.
11.	Ex.PW-3/L	Affidavit filed on 26.09.1986 by Mohan Lal Jatia (A-3) in WP (Crl.) No. 363/1986.
12.	Ex.PW-3/M	Representation dated 11.04.1986 addressed to President of India by Mohan Lal Jatia (A-3) and

		bearing an acknowledgment of the CR Section.
13.	Ex.PW-3/N	Affidavit filed on 26.09.1986 by Ashok Jatia (A-5) in WP (CrI.) No. 363/1986.

(iv) **PW-4 K.C. Singh:** Perhaps the most important witness in the present case, the outcome of the present case is largely dependent on the testimony of the present witness. Accordingly, his testimony shall be discussed at length.

- The witness was posted as Deputy Secretary, President's Secretariat, New Delhi in the year 1986. The witness was also In-charge of Administration at the relevant time, which included the sections dealing with public petitions.
- He explained the procedure of delivery of petitions and deposed that any petitioner who came to the Rashtrapati Bhawan was first directed to the Reception, wherein he was given a visitor's pass and then sent to the Central Registry (CR) Section. At the CR section, nearly 18 registers were maintained, and entries were made in these registers in respect of the petitions received, *depending on the nature of petition and the form in which it came i.e open petitions or sealed covers addressed to the President.*
- He further deposed that *in case of an open petition*, if the presenter desired an acknowledgment, then on a copy of the petition, a stamp was put and the initials of the person in the Central Registry

(CR) affixed. If it was a sealed cover, then there was no question of acknowledging the letter, which was in the envelope as it was passed on unopened to either the personal office of the President or to his office. Any acknowledgment on a copy would only be given, if an open petition was received.

- He also testified that in the beginning of August, 1986, when a reply was being sent to a query from the Ministry of Finance about the whereabouts of the petition/ representation in question; the draft of the Under-Secretary's response was put up before him and sent after his approval.

- He testified that before the reply was put up to him, the concerned sections had already conducted an inquiry to trace the representation/ petition. He and others had also inquired from other sections, which were under a different Deputy Secretary and dealt with Constitution matters, as they were apprehensive that by mistake, the petition may have gone there. However, it was found that no such petition (representation) was available anywhere.

- He identified the letter dated 04.08.1986 (**D-12**) addressed to Sh. D.B. Bhatia, the-then Under-Secretary, President Secretariat from Sh. S.K. Chaudhary and identified the signature of Sh. D.B. Bhatia on the said letter. He deposed about the entire process, which was followed in the President's Secretariat, once the said letter was received by Sh. D.B. Bhatia. The said letter was identified by him as **Ex. PW-4/A**.

- A notesheet regarding receipt/ non-receipt of the said representation was initiated by the concerned section of the President's Secretariat on 04.08.1986. Thereafter, an inquiry was conducted to see whether the representation was available in Public-1 (P-1) and Public-II (P-II) sections or in the Office of the President.
- He also deposed that failing to find the letter, the file containing the reply to S.K. Chaudhary, was put up before him for approval and bore his initials on the reverse side of the notesheet. He also identified the signatures of Sh. J.S Kapoor and PSP (KS) i.e. Sh. Kulwant Singh on the notesheet. The notesheet was identified by him as **Ex. PW-4/B**.
- The reply dated 04.08.1986, was sent on 05.08.1986, by Sh. D.B Bhatia and the said reply was identified as **Ex. PW-4/C** by the witness. He further testified that even after receiving the reply, Ministry of Finance insisted that a letter had been delivered in the CR Section of the President's Secretariat. Pursuant to this, he then asked the concerned Under-Secretary to bring the documents in his room and he scanned through the Dak Register (**Ex. PW-1/1**). The witness categorically testified that upon looking at the register, ***he found that Entry No. 20 in the Dak register had been clearly inserted and the actual Entry No. 20 (Ex.PW1/B) had been made 20-A and the ink of both Entry No. 20 and letter A which had been subsequently inserted, are different.***

- The witness deposed that on 14.08.1986, a recorded a note (D-14), recording the observation that Entry No. 20 *seems to have been inserted in the Register sometime after the 15th April, 1986, as is apparent from the running serial numbers given in the Register.* Further, the said note was put up before Sh. S Vardharajan, Secretary to the President who recorded the noting that the case be entrusted to Vigilance Officer for investigation. The witness identified the contents of the note, his signatures as well as the signatures of Sh. S Vardharajan and the note was identified as **Ex. PW-4/D**.

- The witness testified that a notesheet dated 19.08.1986 was initiated by Sh. D.B. Bhatia, wherein, it was informed that the Writ Petition filed on behalf of accused Mohan Lal Jatia (A-3) was listed on 26.08.1986, before the Hon'ble Supreme Court and the Hon'ble Supreme Court had summoned the relevant Register maintained in the CR Section, where the said representation of accused Mohan Lal Jatia (A-3) was diarised as well as the one maintained in the Reception, in respect of the visitors, who were allowed to go to the CR Section to deliver their petitions. The said note was identified by the witness as **Ex. PW-4/E**.

- Moreover, a letter dated 21.08.1986, was received from the Assistant Registrar of the Hon'ble Supreme Court in this regard alongwith a certified copy of the Order dated 19.08.1986 (**Ex. PW-4/G**). The said letter was identified as **Ex. PW-4/F**.

- The witness deposed that in pursuance of the said letter, he furnished the Dak Register in question (**Ex.PW-1/1**) and stated that the representation in question was not received in the Secretariat. The said letter dated 25.08.1986 sent to Assistant Registrar of the Hon'ble Supreme Court was identified as **Ex.PW-4/H**. Additionally, a note on receipt of Dak was also sent which contained the specimen impression of the two stamps of the CR Section, which were affixed, as a token of acknowledgment. The said sheet containing the specimen impression of stamps was identified as **Ex.PW-4/I**.

- The witness deposed that he had also sent a letter dated 25.08.1986, to Sh. C.V Subba Rao, the-then Deputy Government Advocate and the same was identified as **Ex.PW-4/J**. He further testified that he received a reply dated 26.08.1986, from Sh. C.V Subba Rao, wherein, it was informed that the Hon'ble Supreme Court had directed the petitioner to file an affidavit by 28.08.1986, to the effect, as to by whom and when the representation was delivered to the President's Secretariat. The said letter was identified as **Ex.PW-4/K**. Additionally, another letter dated 29.08.1986, was issued by Sh. C.V Subba Rao, wherein, the Hon'ble Supreme Court had directed the respondents (Union of India) to file a counter-affidavit and this letter was identified as **Ex.PW-4/L**.

- The witness deposed that pursuant to the above letter, he filed an affidavit dated 03.09.1986 (**Ex. PW-4/M**), before the Hon'ble Supreme Court, on behalf of the President's Secretariat. The original affidavit

filed by the witness was furnished as **Ex. PW-3/F** by PW-3, during the course of his testimony. The said affidavit also contained the specimen impression of the stamps in the Central Registry, which used to be affixed on the acknowledgment. He also mentioned in the affidavit that the representation of accused Mohan Lal Jatia (A-3) had not been received at the Central Registry of the President's Secretariat.

- The witness also deposed that vide letter dated 05.09.1986 (**Ex. PW-4/N**), Sh. C.V Subba Rao informed the witness that the Hon'ble Supreme Court had directed the accused Ashok Jain (A-6) to file a detailed affidavit in support of his contentions and also granted time to the respondents to file a reply.

- This was followed by a letter dated 10.09.1986 (**Ex. PW-4/O**), issued by the witness to Sh. C.V Subba Rao. During the course of his examination-in-chief, the witness further deposed that when he had called the Under-Secretaries, Sh. Kulwant Singh (P.S to President) had also come.

- The witness was subjected to a thorough cross-examination spanning over multiple dates. During his cross-examination dated 16.11.2016, the witness was asked as to whether any formal vigilance inquiry was initiated, to which he responded that a vigilance inquiry was marked to Sh. Neelakanthan, but admitted that no vigilance inquiry report was submitted, as per his knowledge. The witness also testified that his affidavit was based on personal knowledge as well as

the direct investigation conducted by him, which is reflected in the notings in the file. However, the witness admitted that no formal inquiry report was prepared by him.

- Upon being asked, as to whether the representation in question was delivered in a sealed cover or not, the witness replied that he had not seen the alleged representation, but it was *deductively determined* that as per the procedure of Central Registry, acknowledgment on the copy of the letter was only given, if an open petition was received.
- He further testified that the seals used in the Central Registry for acknowledgment, were different from those on the said photocopy of the alleged representation produced by accused Mohan Lal Jatia (A-3).
- During the course of his cross-examination, the witness admitted that there was no separate provision for maintaining separate registers for open and sealed letters, addressed to the Hon'ble President of India.
- For the ease of reference, the documents exhibited by the witness are mentioned in the following list:

S.No.	Exhibit No.	Description
1.	Ex. PW-4/A (D-12)	Letter No. F.No. 702/SC/66/86-CUS/12 dated 04.08.1986.
2.	Ex. PW-4/B	Notesheet regarding reply sent to Sh. S.K Chaudhary, Under Secretary, MoF.
3.	Ex.PW-4/C	Reply dated 04.08.1986 sent by Sh. D.B. Bhatia.

4.	Ex.PW-4/D (D-14)	Note sheet 14.08.1986.
5.	Ex.PW-4/E (D-13)	Note sheet dated 19.08.1986.
6.	Ex.PW-4/F	Letter dated 21.08.1986.
7.	Ex.PW-4/G	Certified copy of letter dated 21.08.1986.
8.	Ex.PW-4/H	Letter dated 25.08.1986.
9.	Ex.PW-4/I	The sheet with two specimen impression of stamps.
10.	Ex.PW-4/J	Letter issued to Mr. C.V. Subba Rao, Deputy Govt. Advocate.
11.	Ex.PW-4/K	Letter dated 26.08.1986, addressed to Sh. K.C Singh.
12.	Ex.PW-4/L	Letter dated 29.08.1986, addressed to Sh. K.C Singh.
13.	Ex.PW-4/M	Office copy of affidavit filed by Sh. K.C Singh.
14.	Ex.PW-4/N	Letter dated 05.09.1986, addressed to Sh. K.C Singh.
15.	Ex.PW-4/O	Letter dated 10.09.1986, addressed to Sh. C.V Subba Rao.
16.	Mark 4/I	Copy of the affidavit of Ashok Jain (A-6) dated 09.09.1986, received in the President's Secretariat.

(v) **PW-5 Ishwar Dass Jajoria:** He was posted as a Section Officer in the Central Registry of President's Secretariat, President's House, New Delhi from 1984 to 1987.

- The witness deposed that the main function of Central Registry was to receive and dispatch *daks* relating to President's Secretariat and approximately 17-18 registers were maintained for the purpose of Dak. The witness did not remember the names of the persons, who were posted in CR section at that time, but deposed that there was an attendance register to this effect. He further identified his initials on 15.04.1986, in the attendance register.

- He also identified the entry regarding arrival and departure of accused Late Milap Chand Jagotra (A-1) on 15.04.1986, as **Mark B** and of Yogender Kumar at **Mark A**.
- The witness testified that in the year 1986, Sh. D.B Bhatia, the-then Under-Secretary had summoned him regarding the disputed entry in the present case and enquired as to whether he could identify the signature or writing of the person, who allegedly wrote the disputed entry. The witness identified the signature of accused Late Gurcharan Singh (A-2) on the disputed entry in the Dak Register (**D-10**) and the entry in question was identified as **Ex. PW-5/A**.
- The witness further testified that the accused Late Gurcharan Singh (A-2) was called by Sh. D.B. Bhatia and Gurcharan Singh admitted his signatures on the entry in question. However, the witness expired during the pendency of his examination and thus, his testimony remained incomplete.

(vi) **PW-6 M S A Siddiqui**: He was posted as Registrar General in the Hon'ble Supreme Court of India on 19.08.1994. The witness deposed that he filed the complaint dated 19.08.1994 (**Ex. PW-6/A**) and the same bore his signatures at point A. The witness deposed that the above complaint was filed pursuant to the directions of the Hon'ble Supreme Court in WP (Crl.) No. 363/1986 and SLP (Crl.) No. 1370/1986.

(vii) **PW-7 Vijay Pal:** He was posted as Assistant in Personnel Section of President's Secretariat, at the relevant time and worked in President's Secretariat from 1969 to 2006. The witness deposed that as an Assistant in Personnel Section, he used to attend the typing work assigned by the Private Secretary.

- The witness deposed that the Personnel Section used to receive the Dak addressed to the Hon'ble President by name and also dealt with the personal matters of the Hon'ble President. He further testified that all the communications etc. used to be received at Central Registry (CR) Section of the President's Secretariat and after entry of the same in the register, the same were sent to the concerned Sections. The Daks/ correspondences with the personal name of Hon'ble President used to be sent to the Hon'ble President and the other correspondences/communications were sent to the concerned sections.

- As regards the procedure of receiving Dak in the CR section, the witness deposed that after giving the receipt to the concerned person, the Dak was entered in the Dak Register and then sent to the concerned Section and the official of the concerned Section used to sign in the Dak register.

- As regards the procedure for delivery of letter, the witness deposed that any person who comes to deliver a letter etc. in the President Secretariat had to visit the Reception and after obtaining the pass in his name, the same will be entered in the Register maintained at

the Reception. The Reception office used to send the person concerned to the CR Section.

- The witness testified that Sh. Kulwant Singh was the Private Secretary to the Hon'ble President of India from 1982 to 1987. The witness also testified about his working hours as well as the working hours of accused Late Gurcharan Singh (A-2).

- The witness deposed that the entry in question (**Ex.PW-5/A**) bore the signatures of accused Gurcharan Singh (A-2) at point **X** and the date 15/4 was also in the hand-writing of accused Gurcharan Singh (A-2). The witness deposed that the accused Gurcharan Singh (A-2) was working as Hindi Translator in the Personnel Section, alongwith him. The witness also testified that he had never received, seen or dealt with the alleged representation (**Ex. PW-3/M**) in any manner.

- During his cross-examination, the witness admitted that he never worked at the CR Section of the President's Secretariat and he had no knowledge about the functioning of the CR Section. The witness identified that the entry in question (**Ex.PW-5/A**) had been marked to Sh. Kulwant Singh. The witness pleaded ignorance about any office circular/ office order, which mentioned that alphabets such as a, b, c could not be suffixed to an entry in the Dak register (**Ex.PW-1/1**).

(viii) PW-8 D. R. Handa: The witness retired as Principal Scientific Officer and HOD, CFSL, New Delhi. The witness identified the

signatures of Sh. T. R. Nehra on the report bearing No. CFSL -87/D-2108 dated 26.06.1987, as he had worked with him and seen him signing on many occasions, during the course of work. The CFSL report dated 26.06.1987 was identified as **Ex.PW-8/1**. The witness also identified the signature of the-then Director, CFSL Late Sh. V. N. Sehgal on the forwarding letter dated 29.06.1987, which was identified as **Mark-8/A**.

(ix) **PW-9 Sh. Vijay Verma** : The witness was working as Assistant Director-cum-Scientist-C, CFSL, New Delhi and produced certain documents, pursuant to the directions of the Court vide Order dated 03.05.2025. The documents alongwith the envelopes containing negatives were identified as **Mark-9/A (Colly)**, during the course of his testimony. The testimony of the witness was limited to furnishing negatives of the photographs of specimen handwritings, signatures and admitted handwritings of accused persons. However, the witness admitted during the course of his cross-examination that he has no personal knowledge of the present case.

(x) **PW-10 Sh. Rajeev Kumar Negi** : The witness was working as SSA in CFSL, New Delhi and was entrusted with the task of printing the photographs from the negatives by the HOD, Photo Division on 17.10.2017. The following documents were tendered by the witness during the course of his testimony :

S.No.	Exhibit No.	Description
1.	Ex.PW-10/1	Photo proforma dated 17.10.2017 bearing signatures of Sh. A.D. Tiwari.
2.	Ex.PW-10/2	Photo proforma containing 99 and 281 negatives in two different envelopes.
3.	Ex.PW-10/3	Envelope containing 99 negatives.
4.	Ex.PW-10/4	Envelope containing 285 negatives.
5.	Ex.PW-10/5 (Colly)	Printouts of the said negatives containing 342 pages.

- The witness admitted that the negatives were printed by him on 17.10.2017 i.e. 23 years after the institution of the present complaint. However, the witness testified that he does not have personal knowledge, as to where the negative images and camera rolls were exactly preserved and as to when the images were taken. The witness also testified that he did not have any personal knowledge of the present case.

13. Subsequently, the prosecution evidence was closed on 21.07.2025 and the matter was listed for recording the statement of the accused persons, u/S 313, CrPC.

STATEMENT OF THE ACCUSED PERSONS u/S 313 CrPC.

14. The statement of accused Ashok Jain (A-6) was recorded on 16.09.2025, wherein he stated that he has been falsely implicated in the present case and he had actually delivered the alleged representation dated 11.04.1996 (Ex.PW-3/M) in the President's Secretariat and was

also given an acknowledgement on the copy. The written statements u/S. 313, CrPC were furnished on behalf of accused Mohan Lal Jatia (A-3) and accused Ashok Jatia (A-5), as they were unable to appear before Court, on account of their medical condition and old age. Both the accused (A-3 and A-5) categorically stated that they have been falsely implicated, only because of their family connection and the sensational nature of the matter. No document, witness, or expert evidence showed their incriminating role in the present case and the entire case of CBI was false and fabricated. The accused persons did not wish to lead any evidence in their defence and thus, the matter was fixed for final arguments.

FINAL ARGUMENTS

15. Detailed final arguments were advanced on behalf of both prosecution and the accused and various judicial decisions were furnished by both the parties in support of their contentions, which are discussed below:

I) Arguments raised by the Prosecution.

16. Ld. PP for CBI has argued that charges against all the surviving accused stand established through the documentary evidence as well as the testimonies of the prosecution witnesses on record. The gist of his contentions is listed below:

- The factum of accused Mohan Lal Jatia (A-3) having filed a Representation before the President, was mentioned for the first time in the WP (Crl.) No. 363/86 on 11.07.1986 and despite adequate opportunity, this ground was not raised in the SLP (Crl.) No. 1370/86 filed in the Supreme Court on 06.05.1986. It is contended that had the said Representation been actually delivered by the accused Ashok Jain (A-6) on 15.04.1986, this plea would definitely have been raised before the Hon'ble Supreme Court in the above SLP. On this basis, it is contended that there is enough ground to show that the said Representation being filed before the President, is an afterthought.

- It is argued that the correct procedure was followed u/S 340 CrPC and the Hon'ble Supreme Court of India being a Court of record, was fully competent to file a complaint u/S 340 CrPC r/w 195 CrPC, through the Ld. Registrar General. It is also contended that the contention of a defective procedure adopted in filing the present complaint cannot be raised at this belated juncture.

- It is submitted that the accused Ashok Jain (A-6) filed a false affidavit before the Hon'ble Supreme Court of India, stating that no visitor pass was actually issued to him. It is also contended that even if, it is assumed that the affidavit dated 09.09.1986, filed by Ashok Jain (A-6) (**Ex.PW-3/C**) is true and correct, the same suggests that the Representation was actually delivered in a sealed envelope and thus, there was no question of giving an acknowledgement on the letters delivered in a sealed envelope. Thus, the alleged acknowledgement

bearing stamps of the President's House also shows that the same was falsely given.

- It is also contended that the fact that no inquiry was conducted in the Rashtrapati Bhawan or that the alleged inquiry was not concluded; has no bearing on the outcome of the present case.
- The forgery in the Dak Register (**Ex. PW-1/1**) has been proved through the CFSL report (**Ex.PW-8/1**), which is *per se* admissible u/S 293 CrPC and is also corroborated by the testimony of PW-8. It is also contended that the negatives produced by PW-9 and PW-10 are admissible in evidence, u/S 90 of Indian Evidence Act.
- It is contended that the IO of the present case expired during the pendency of trial, but no prejudice has been caused to the defence, by the non-examination of the IO. (*Bahadur Naik Vs. State of Bihar, 2000 (9) SCC 153*).

17. On the above ground, it is contended by Ld. PP for CBI that the offences u/S 120-B r/w Sections 193/199/471 IPC, alleged against the three accused (A-3, A-5 and A-6) have been proved beyond reasonable doubt by the prosecution.

18. *Per contra*, Ld. Counsels for the accused persons have submitted that the offences as alleged, are not made out in the present case and a serious dent has been cast on the version of the prosecution, through

the inconsistent testimony of various prosecution witnesses and non-examination of various material witnesses. The submissions raised by Ld. Counsels for the accused are enlisted below.

II) Arguments raised on behalf of accused Mohan Lal Jatia (A-3):

- It is submitted that there is no valid institution of complaint case, as Section 340 (3) Cr.PC, 1973 mandates that the complaint must be signed by ‘*the presiding officer of the Court.*’ It is contended that the complaint u/S 340 r/w Section 195 Cr.PC, should have been signed by the judges of the Hon’ble Supreme Court and in the absence of the same, the present complaint is rendered *nullis juris*.
- It is submitted that Section 218, IPC is not applicable in the present case, as it is attracted only against the public servant and none of the surviving accused are public servants, as per the admitted case of the prosecution. It is further submitted that the ingredients for applicability of Section 120B, Section 193 and Section 199 are missing in the present case.
- It is alleged that the entire gamut of the present case depends solely on, **whether the written representation dated 11.04.1986 was ever served/ delivered in the Office of President of India at Rashtrapati Bhawan on 15.04.1986 or not**, and due to the failure of the prosecution to prove otherwise, none of the alleged offences are attracted against the accused.

- It is argued that neither the affidavit of **PW-4 KC Singh** can be looked into nor any reliance can be placed on the averments/ allegations made therein and thus, the entire case of the prosecution collapses on this ground itself.

- It is further submitted that the charges u/S 466/471 IPC are not attracted against the accused Mohan Lal Jatia (A-3), as neither any forgery is attributed to him nor there is any allegation that he placed reliance on a forged document(s), for the purpose of cheating.

- Ld. Counsel for the accused Mohan Lal Jatia (A-3) has placed reliance on the following decisions, in support of his contentions:
 - *Sheila Sebastian Vs. R. Jawaharaj and Another, 2018 (7) SCC 581.*
 - *Esher Singh Vs. State of A.P., 2004 (11) SCC 585.*
 - *Ram Sharan Chaturvedi Vs. State of MP, 2022 (16) SCC 166.*
 - *John Pandian Vs. State, 2010 (14) SCC 129.*
 - *Mohammed Ibrahim Vs. State of Bihar, 2009 (8) SCC 751.*
 - *Dilawar Balu Kurane Vs. State of Maharashtra, 2002 (2) SCC 135.*

III) Arguments raised on behalf of accused Ashok Jatia (A-5):

- It is submitted by Ld. Counsel for the accused Ashok Jatia (A-5) that prosecution must prove essential ingredients of the offence, even if the complaint is made u/S 340 CrPC, which the prosecution has miserably failed to do so, in the present case.
- It is further submitted that no criminal proceedings can continue against a dead person. Since the principal accused i.e. Milap Chand Jagotra (A-1) and Gurcharan Singh (A-2) have passed away, the abettor i.e. accused No. 5 cannot be foisted with any criminal liability.
- It is further submitted that since the testimonies of the prosecution witnesses and the prosecution evidence is full of contradictions and falsehoods, the benefit of the same must enure to the accused.
- It is further submitted that even if the acts are done along during the course of duty, sanction u/S 197 CrPC was mandatory, which was not taken in the present case and thus, no case is made out even against the present accused.
- It is further submitted that non-examination of the prosecution witnesses i.e. Sh. T.N Kapoor, the IO of the present case and Sh. A.P. Singh, SP, is a fatal lacuna in the case of the prosecution. Reliance in this regard has been placed on the decisions of *Habeeb Mohd. Vs.*

State of Hyderabad, (1953) 2 SCC 231; Munna Lal Vs. State of Uttar Pradesh, (2023) 18 SCC 661; and Naveen Kumar Verma Vs. The Govt. (NCT of Delhi), 252 (2018) DLT 585.

- It is further submitted that essential ingredients of forgery are not made out against the accused and thus, the offences u/S 466/471 IPC are not attracted against the accused, in any manner, whatsoever.

IV) Arguments raised on behalf of accused Ashok Jain (A-6):

- It is submitted by Ld. Counsel for accused Ashok Jain (A-6) that no motive and criminal conspiracy u/S 120B IPC, can be attributed to the accused. It is further contended that there are glaring deficiencies in the testimonies of the prosecution witnesses and the benefit of the same must accrue to the accused.
- There has been a deficient investigation on the part of CBI, as all the Dak Registers maintained in the CR section of the President's House were not seized and there was no examination of Peons/Zamadars, who used to handle the letters between various departments. It is further submitted that Sh. Kulwant Singh, Private Secretary to the President, whose endorsement was present on the Dak Register, was also not examined as a witness.
- It is submitted that the documents and materials which form a part of the CFSL report, have a broken chain of custody and no

explanation has been adduced on behalf of the prosecution, to explain this shortcoming.

- It is further submitted that the prosecution has failed to establish its case beyond reasonable doubt and a bare perusal of the Dak Register shows that both open and sealed cover letters/representations/other documents were being accepted and diarized in the Dak Register (**Ex.PW-1/1**) in question. On this basis, it is submitted that no case is made out against the accused and all the accused persons deserve to be acquitted.

19. This Court has given its thoughtful consideration to the rival contentions of the parties and has perused the judicial decisions, relied upon by both the prosecution as well as the accused.

ANALYSIS AND FINDINGS

20. Before delving into the merits of the case, an objection was raised on behalf of the accused that there was no valid institution of the present complaint u/S 340 CrPC and the same goes to the root of the matter. Therefore, this Court shall first deal with the procedure laid down in Section 340 CrPC and whether the alleged lack of compliance has caused any prejudice to the accused.

A. Whether the procedure u/S 340 CrPC was followed in the present case?

21. Section 340 CrPC, prior to the amendment in 2006, read as follows:

1. When upon an application made to it in this behalf or otherwise any Court is of opinion that it is expedient in the interest of justice that an inquiry should be made into any offence referred to in clause (b) of Sub-Section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary;

(a) record a finding to that effect;

(b) make a complaint thereof in writing;

(c) send it to a Magistrate of the first class having jurisdiction;

(d) take sufficient security for the appearance for the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do send the accused in custody to such Magistrate; and

(e) bind over any person to appear and give evidence before such Magistrate.

2. The power conferred on a Court by Sub-Section (1) in respect of an offence may, in any case where that Court has neither made a complaint under Sub-Section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of Sub-Section (4) of section 195.

3. A complaint made under this section shall be signed;

(a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;

(b) in any other case, by the presiding officer of the Court.

4. In this section, "Court" has the same meaning as in section 195.

22. Thus, a plain reading of Section 340(3) CrPC, prior to the amendment, makes it clear that in case, a complaint under this provision is made by any Court other than the High Court, **such complaint shall be signed by the presiding officer of the Court.** Thus, the statute in clear and unambiguous terms required that the complaint must bear the signatures of the Presiding Officer of the Court concerned.

23. During the course of prosecution evidence, the Registrar General, who had filed the present complaint was cross-examined on this aspect as PW-6, to which he categorically answered, “*I was acting under the directions of the Hon’ble Supreme Court...Since I was directed to file the complaint, it was understood that all the formalities including signing of the complaint, were to be completed by me.*” Moreover, upon being specifically questioned, as to whether he ignored the mandate of Section 340(3) CrPC, he replied “*I had no option but to abide by the orders of the Hon’ble Supreme Court.*”

24. A reading of the order of the Hon’ble Supreme Court dated 20.07.1994 also throws light on the above aspect *wherein* it was held, “*We thus order the Registrar General of this Court to prepare a complaint as expeditiously as possible in light of all concerned orders in terms of Section 195 r/w Section 340 of the Criminal Procedure Code and file it before a competent criminal court against the aforesaid six persons. The Criminal Miscellaneous Petition is thus allowed on these terms.*”

25. **The question before this Court is whether such deviation from the prescribed form, renders the present complaint *void ab initio* or is only a curable irregularity.** Ld. PP for CBI has contended that mere absence of signatures of the Judges of the Hon'ble Supreme Court, cannot be construed as a non-compliance of Section 340(3) CrPC, as the Supreme Court is a Court of record and the law propounded by the Hon'ble Supreme Court is binding on all the Courts of the country. On this basis, it is argued that the filing of the present complaint through the Ld. Registrar General, is valid and this issue cannot be raised at this stage and should have been raised before the Hon'ble Supreme Court itself at the relevant time.

26. On the other hand, it is argued by Ld. Counsel for the accused that when it is explicitly mandated by the statute to do a certain thing in a certain way, it must only be done in that way. It is further submitted that in criminal proceedings, the statute must be interpreted strictly and there cannot be any deviation from the plain reading of the Section. On this basis, it is argued that the present complaint is not a valid complaint and resultantly, all the proceedings emanating from the present complaint are *non est* or bad in law.

27. It is a settled principle of criminal jurisprudence that procedural mandates are not to be construed in a manner which defeat substantive justice, unless such procedural non-compliance occasions a failure of justice and causes prejudice to the accused.

28. This Court is of the considered opinion that the requirement of signatures as mandated in Section 340(3) CrPC (prior to 2006 amendment) was a procedural requirement, intended to authenticate the complaint so filed. However, the substantive requirement u/S 340 CrPC is the formation of opinion by the Court and a decision that it is expedient in the interests of justice to initiate prosecution under the said provision.

29. The Order dated 20.07.1994 of the Hon'ble Supreme Court clearly records the determination by the Hon'ble Supreme Court to initiate proceedings u/S 340 CrPC. Moreover, the complaint in question filed by the Ld. Registrar General flows from and was only in pursuance of the said Order. Thus, the Ld. Registrar General of the Hon'ble Supreme Court was not acting independently on his own, but as an officer executing the mandate of the Hon'ble Supreme Court. Therefore, it can be safely said that the source of the complaint is still the Hon'ble Supreme Court in the present case and not the Ld. Registrar General.

30. In such circumstances, though the complaint in question (**Ex.PW-6/A**) does not bear the signatures of the Judge of the Hon'ble Supreme Court, the same does not, render the complaint as one not made by the Hon'ble Supreme Court. At the best, this defect can only be categorised as a mere **procedural irregularity** and one which has not caused any demonstrated prejudice to the accused. **The contention of**

the accused that the complaint is *non est or void ab initio*, is therefore, not sustainable. In any event, this contention was already decided and laid to rest, by the Hon'ble Delhi High Court vide Order dated 18.03.2004 in Criminal MC No. 2452/2000 titled as "Ashok Jatia Vs State (CBI)" and thus, cannot be re-agitated at this stage.

31. After examining the above preliminary objection, the Court shall now proceed to examine the grounds raised by Ld. Counsels for the accused on merits.

32. The case of the prosecution hinges on the contention that the alleged representation dated 11.04.1986 (Ex.PW-3/M) was never delivered in the CR Section of the President's Secretariat and an interpolated entry dated 15.04.1986 with Entry No.20 (Ex.PW-5/A) was inserted in the Dak register (Ex.PW-1/1). This contention is vehemently countered by Ld. Counsels for the accused. Thus, the entire adjudication in the present case revolves around the question, as to whether the written representation dated 11.04.1986 was ever delivered in the Office of Hon'ble President of India on 15.04.1986 or not.

B. The question of delivery of alleged representation dated 11.04.1986 in the President's Secretariat.

33. To prove the delivery of the aforesaid representation, Ld. Counsels for the accused have argued the following :

- a) The alleged representation (**Ex.PW-3/M**) bears a genuine stamp of the President's Secretariat and it is the same stamp, which was used by the office of Rashtrapati Bhawan, for receipt of documents which have been tendered during the course of trial in the present case.
- b) The testimony of the witness PW-4 Sh. K.C. Singh to the effect that the Dak Register (**Ex.PW-1/1**) was meant only for sealed covers, cannot be relied upon, as there is enough evidence to the contrary in this regard.
- c) The report by DCP, Security dated 01.09.1986 (**Ex.PW-4/D1**), clearly shows that there was no requirement of issuing the visitor pass to the persons who came to Rashtrapati Bhawan and thus, the fact that accused Ashok Jain (A-6) was not issued a visitor pass on 15.04.1986; cannot be held against the accused.
- d) There is inconsistent testimony of the witnesses on the procedure, regarding delivery of Daks / communication/ letters to the CR Section of the President's Secretariat; which renders the case of the prosecution extremely weak.
- e) To the contrary, there are consistent affidavits of the accused Ashok Jatia (A-5) dated 11.07.1986 (**Ex.PW-3/J**) and affidavits of Ashok Jain (A-6) dated 29.08.1986 (**Ex.PW-3/D**), 09.09.1996

(Ex.PW-3/C) and 26.09.1986 (Ex.PW-3/E), which prove the delivery of the alleged representation (Ex.PW-3/M).

34. The Court shall now deal with the above contentions and decide the question as to the (non)-/delivery of the alleged representation.

(i) The controversy regarding stamps/ seal used on the alleged representation.

35. Ld. Counsels for the accused have submitted that the alleged representation (Ex.PW-3/M) bore a genuine stamp of the CR Section and thus, it is itself implied that the alleged representation was actually delivered in the CR Section. It is further alleged that **PW-4 K.C. Singh** filed a false affidavit dated 03.09.1986 (Ex.PW-3/F) *wherein* it was stated that only two rubber stamps are affixed at the Office of Rashtrapati Bhawan. The witness further stated in his affidavit that the stamp on the alleged representation was not the same, as the one used in the CR Section and on this basis, it is argued by Ld. Counsels that the witness tried to mislead the Hon'ble Supreme Court of India in this regard.

36. Further, Ld. Counsels for the accused have also submitted that the following documents also bear the same stamp, as was used in the alleged representation dated 11.04.1986:

- **Ex.PW-4/F** – Letter dated 21.08.1986 issued by Sh. R.C. Gandhi, the-then Assistant Registrar, Supreme Court of India to the Secretary to the President of India.
- **Ex. PW-4/K** – Letter dated 26.08.1986 addressed by Sh. C.V. Subba Rao to Sh. K.C. Singh.
- **Ex.PW-4/L** – Letter dated 29.08.1986 addressed by Sh. A. Subba Rao to Sh. K.C. Singh.
- **Ex.PW-4/N** – Letter dated 05.09.1986 addressed by Sh. C.V. Subba Rao to Sh. K.C. Singh.

37. A bare perusal of the above mentioned documents show that these letters were addressed to certain officials posted in the President's Secretariat and to Sh. K.C. Singh and were not addressed to the Hon'ble President himself. However, if one reads the affidavit filed by Sh. K.C. Singh (**Ex.PW-3/F**) in this regard, the same is with regard to petitions addressed to the President of India and which are delivered in the CR Section of the President's Secretariat. The relevant portion of the affidavit of Sh. K.C. Singh in this regard is reproduced as follows:-

“At the Central Registry, if he desires an acknowledgement, one of the two rubber stamps reproduced below is affixed on his copy with the initials of the official receiving the letter.”

38. Thus, it is evident that Sh. K.C. Singh is dealing only with the petitions addressed to the President of India and not the petitions addressed to any of the officials posted in the Rashtrapati Bhawan. Moreover, it is a matter of reasonable prudence that being the highest

office of the country, the President's Secretariat would be having a huge number of stamps and each stamp would be used for a specific purpose. The affidavit of the witness Sh. K.C. Singh and his testimony as **PW-4** is categorically clear that if any representation/ communication/ letter was addressed to the President of India, only the two above-mentioned stamps would be used by the officials at the CR Section for giving an acknowledgment.

39. Moreover, it is also clear that the alleged representation does not bear the above two stamps and bears a different stamp. Although, this stamp on the alleged representation (**Ex.PW-3/M**) is the one used in CR Section of the Rashtrapati Bhawan, this is not the stamp which is used for giving an acknowledgment on any letter or communication addressed to the President of India.

40. Ld. Counsels for the accused have raised an objection that the stamps were not sent to the CFSL or any other Lab for examination and thus, the complete truth could not be unravelled in this regard. Further, during cross-examination of the witness Sh. K.C. Singh as **PW-4**, he was asked as to whether the alleged original seals were sent for comparison by an expert, with the seal on the alleged representation (**Ex.PW-3/M**) and the relevant portion of his cross-examination in this regard, is extracted below:

“I do not remember whether the original stamps/seals were given to CBI. They were not filed before the Hon’ble Supreme Court of India. It is

correct that I have not got the alleged original seals compared with the seal on the acknowledgement of the representation by an expert at any stage. However the difference between them is so patent that it did not require an expert to determine it before submitting to the Hon'ble Supreme Court of India, as time was of the essence, Supreme Court having given limited time to file affidavit. No statement of any of the employee of the Central Registry was recorded during the investigation conducted by me who denied the genuineness of the seal of the acknowledgment of the representation of Mohan Lal Jatia.”

41. The testimony of the witness K.C. Singh has withstood the test of cross-examination, as regards the seal on the alleged representation. It is evident and this Court concurs with the response given by the witness that the difference between the seal used on the alleged representation (Ex.PW-3/M) and those used for giving acknowledgment on the letters addressed to the President of India is patent, visible to the naked eye and does not require any expert to determine the difference between the two.

42. Moreover, it has also been discussed above that the stamp used on the alleged representation (Ex.PW-3/M) although genuine, was used for acknowledgment on letters addressed to other officials of the President's Secretariat and not used for communications addressed to the Hon'ble President of India. **Since the alleged representation (Ex. PW-3/M) is addressed to the Hon'ble President, the stamp used on the same, does definitely raise a question as to how the said stamp came to be affixed on this alleged representation dated 11.04.1986.**

43. Ld. Counsels for the accused have raised another objection that the document (Ex.PW-4/I) which also bears the two stamp impressions used for giving acknowledgment on the letters/ communications, addressed to the President of India, is an undated and unsigned document without any reference number and without any details of the author of the document. On this basis, it is contended that this document cannot be read in evidence against the accused. Undoubtedly, the objection raised by Ld. Counsels for the accused holds merit, as the source of this document cannot be ascertained. However, even *de hors* this document, the contention raised by Ld. Counsels for the accused does not hold any ground. Even without this document (Ex.PW-4/I) being considered, the difference between the stamps used, is easily discernible by a person of ordinary prudence and the same would not require the aid of an expert.

44. In light of the above discussion, it has been proved beyond reasonable doubt that the stamp used in the alleged representation (Ex.PW-3/M) was not the one, which was used for giving acknowledgment on communications/ letters addressed to the President of India. **Thus, this contention raised on behalf of accused, is decided in favour of the prosecution.**

(ii) The controversy regarding the alleged representation being delivered in a sealed envelope or open cover.

45. The witness K.C. Singh in his affidavit (Ex.PW-3/F) categorically testified that the accused Ashok Jain (A-6) never delivered the alleged representation and the office of the President's Secretariat is "*enquiring into the circumstances, under which the entry came to be inserted in the Dak Register, **meant only for un-opened letters addressed to the President by name.***"

46. Thus, through this affidavit and during the course of his examination-in-chief, the witness K.C Singh categorically testified that the Dak Register in question (Ex.PW-1/1) was only meant for sealed letters, addressed to the President of India by name. Further, during his examination-in-chief, the witness deposed, "*In case of an open petition if the presenter desired an acknowledgement, then on a copy of the petition, a stamp was put and the initials of the person in the Central Registry affixed. **If it was a sealed cover, then there was no question of acknowledging the letter which was in the envelope, as it was passed on unopened to either the personal office of the President or to any office. Any acknowledgement on a copy would only be given, if an open petition was received.***"

47. Thus, the distinction between petitions received in a sealed cover or in an open form was first brought to fore, through the affidavit of K.C Singh and his testimony as PW-4. On this aspect, the witness was

subjected to a detailed cross-examination. During his cross-examination dated 16.11.2016, on being asked as to whether the alleged representation was received in a sealed cover or otherwise, the witness deposed as under:

“I cannot say if the representation was in a sealed cover or otherwise when it was initially given at the office of the President’s Secretariat. Vol: However, it was deductively determined that as per the procedure of the Central Registry, acknowledgement on the copy of the letter were only given, if an open petition is received.”

48. Furthermore, on being questioned as to how the acknowledgment was there on a photocopy of the representation, the witness further answered that in his affidavit to the Hon’ble Supreme Court of India, he stated that the procedure of receipt of Dak in CR section was defied, as *“the Register in which the entry is purported to have been made, was for dak for the President’s Personal Office and sealed letters would not be opened by the Registry, when so addressed to the President. Thus, there is no question of an acknowledgment on the photocopy.”* Moreover, the witness further deposed that, *“it is correct that for open representations received, acknowledgments were given on a copy, but the same cannot be extended to Ex.PW-3/M as the entry pertaining to it is in a Register, meant for closed/ sealed letters.”* Thus, the witness testified to the effect that as per the affidavit of accused Ashok Jain (A-6), the representation was allegedly delivered in a sealed envelope and therefore, there was no question of acknowledgment on the representation, as sealed letters addressed to

the Hon'ble President by name, would not be opened by the CR section.

49. **During his further cross-examination, the witness also admitted that there was no separate provision for maintaining a separate Register for open and sealed letters, addressed to the Hon'ble President of India.** Thus, through his own admission, the witness admitted during the course of his cross-examination that the same Register was being used for receiving both open as well as sealed letters addressed to the President of India. This admission by the witness is further bolstered, if one has a bare look at the other entries made in the Dak Register in question. At various entries dated 28.02.1986, 03.02.1986, 24.01.1986, the words mentioned in the entries are "O/Cover" showing that these letters were open cover letters and were not sealed letters. The entries no. 22 and 29 dated 15.01.1986 and 20.01.1986 also show that open cover letters were received.

50. Moreover, the other entries i.e. entry no. 11 dated 11.02.1986 and entry no. 19 dated 17.02.1986 show the receipt of Link Magazine and not any letter/ petition addressed to the President of India. Additionally, entry no. 18 dated 17.02.1986 in the said register shows the receipt of 26 books, thereby, categorically showing that the register was not meant only for receiving sealed letters addressed to the President by name. A cursory examination of the Dak Register in question (**Ex.PW-1/1**) shows that the same register was also being used

to diarize the incoming closed letters, open letters, and even other items.

51. Thus, the testimony of the witness K.C Singh to the effect that the Dak Register was only meant for receiving sealed letters addressed to the Hon'ble President by name; has been put to naught, even through a cursory examination of the various entries in the Register in question. Ld. Counsels for the accused have been able to show that the Dak Register in question was also used for the purpose of receiving open letters as well as other items and the same is evident from a perusal of the various entries in the Dak Register. As a result, it casts a serious dent on the case of the prosecution that the alleged representation dated 11.04.1986 (**Ex.PW-3/M**) could not have been diarized in the Dak Register (**Ex.PW-1/1**).

52. A doubt has also been raised that the suffix 'A' has been added next to entry no. 20 dated 16.04.1986, in order to create a false impression, that entry no. 20 showing the receipt of alleged representation dated 11.04.1986 was genuine and sequential in nature. For this, the prosecution has relied on the testimony of **PW-2 Yogender Kumar**, wherein he deposed that *“the entries were made in the relevant register, they were made in the ascending order and there is no practice of mentioning any entry as A or B suffixed with any number.”* Further, the witness also denied the suggestion that making entries like 20A and 20B, by dealing clerks was not new in the CR Section, thereby,

deposing that it was unusual to put a suffix like A, B and C, after an entry in the Register.

53. However, upon being questioned during his cross-examination, the witness deposed that as per his knowledge, there was no circular or rule-book containing directions/ guidelines for making entries in the diary and dispatch register. The witness also admitted that there was no specific prescription to not use A or B suffixes to any entry in the Dak Register (**Ex.PW-1/1**).

54. If one looks at the entries in the Dak Register (**Ex.PW-1/1**), there are various entries like entry no. 39/1 dated 01.03.1986, entry no. 40/2 dated 01.03.1986 and an undated entry numbered 41/3 and entries numbered 42/4, 43/5, 44/6 and 45/7 all dated 04.03.1986. This goes on to show that there was no fixed manner of diarising the entries in the Dak Register (**Ex.PW-1/1**). Similarly, there are certain entries where there has been a cutting i.e. entry no. 47 dated 25.01.1986 has been cut and instead of the above, another entry dated 26.01.1986 with same entry number has been inserted in register.

55. Additionally, the sequential numbering pattern has also not been followed in an absolute way and there are certain aberrations. For example, after entry No. 20 dated 14.03.1986, an Entry No. 15/3 has been made on 15.03.1986 and thereafter, Entry No. 22 has been made on 16.03.1986. These further suggest that there was no strict numerical procedure being followed for diarizing the entries in the Dak Register

(Ex.PW-1/1) and the unusual nature of entry in question dated 15.04.1986 (Ex.PW-5/A) as alleged by the prosecution, cannot be a determinative circumstance against the accused. Further, in any case of manual entries in a register, it is usual that there could be some cutting, editing in the entries and merely because of such cutting/ editing/ writing of suffix A, the same cannot operate against the accused.

56. Another doubt which has been raised with respect to the entry in question (Ex.PW-5/A) is that it is marked to Sh. Kulwant Singh, Private Secretary to the President [PSP (KS)], but in the ordinary course of things, it should not have been so. Additionally, the witness K.C Singh in his testimony as PW-4 has deposed *“that the letters were forwarded to PSP (KS) only, if they were sealed and coming from High dignitaries like Governor etc. as the previous two entries show but general petitions were directed to the concerned Deputy Secretaries.”* The testimony on this aspect of the witness has also been challenged as there are various entries showing receipt of daks of ordinary nature, still being addressed to PSP (KS).

57. Ld. PP for CBI has contended that no reliance can be placed by the Court on the other entries which are mentioned above, because Ld. Counsels for the accused did not put a question regarding any of these entries to the witness and thus, the witness did not have any opportunity to explain these entries, during the course of his testimony. This submission, although appealing, at first blush, cannot be accepted because once the Dak Register (Ex.PW-1/1) has been tendered in

evidence, the entirety of the document can be read by the Court and thus, even those entries in the Dak Register, which have not been put to the witness can be considered by the Court. This is because the entire Register after being tendered in evidence becomes admissible and is a testament to the fact that all the contents of the Register are true and genuine. The mere omission to put the other entries to the witness, cannot operate to the prejudice of the accused and a contention regarding these entries, even though not put to the witness, can be raised before the Court.

58. In light of the discussion above, it can be safely inferred that the Dak Register (**Ex.PW-1/1**) was not a document, wherein there was only one particular/ prescribed way of making the entries and the same is also reflected from the various deviations in the entries made; as has been highlighted above.

(iii) The requirement of being issued a visitor pass.

59. The next doubt in the case put forth by the prosecution is the absence of any visitor pass issued to accused Ashok Jain (A-6), when he came to deliver the Dak/ alleged representation (**Ex.PW-3/M**) on 15.04.1986. This is further strengthened by the document **D-13** i.e. the note of DCP (Security), Rashtrapati Bhawan dated 01.09.1986, wherein, it has been specifically stipulated that ***no details regarding the private visitors is recorded at the reception, since their number is usually high.*** The said document was admitted by **PW-4** during his

cross-examination and was exhibited as **Ex. PW-4/D1**. This is further in line with the affidavit filed by accused Ashok Jain (A-6) on 09.09.1986, before the Hon'ble Supreme Court of India, wherein, he testified that no visitor pass was issued to him and he was merely directed to the room, where letters are received. The relevant portion of the affidavit of the accused Ashok Jain (A-6) is reproduced below:

“A person at the reception directed a peon to show to me the room where letters are received. There was no reason or occasion for me to ask the name of that person nor was I asked my name or issued any pass. The peon indicated a room on the ground floor along a corridor as being the Central Registry where the letter was delivered.”

60. Thus, it is evident that ordinarily no pass was being issued to private visitors, who were coming to deliver their petitions/ letters in the Rashtrapati Bhawan at that point of time and thus, a further dent has been cast on the story put forth by the prosecution.

(iv) Other contentions raised regarding the alleged interpolated entry (Ex.PW-5/A).

61. It is contended on behalf of the accused that the notesheet (**Ex.PW-4/B**) clearly shows that the alleged representation was received in CR section vide entry no. 20 on 15.04.1986 and marked to PSP (KS) and the same is evident, if one reads the noting dated 04.08.1986 in the hand-writing of Sh. I.D Jajoria (**PW-5**) and the said entry is also not disputed by the prosecution.

62. However, the Court is tasked with the responsibility to consider the document in its entirety and not place entire reliance on a portion of the document, which suits a particular party (in this case, the accused). A holistic reading of the entire document (**Ex.PW-4/B**) shows that after the note dated 04.08.1986, by Late Sh. I.D Jajoria, the subsequent notings clearly show that the said representation could not be traced in any of the sections of the President's Secretariat. The note also bears the noting by Sh. K.C Singh, wherein he states that "*D.S(S) may please see for approval, before the reply is sent to the Ministry.*" On this basis, a letter dated 04.08.1986 (**Ex.PW-4/C**), was sent by Sh. D.B Bhatia, the-then Under-Secretary to Sh. S.K. Chaudhary, the-then Under-Secretary, Ministry of Finance, that the alleged representation (**Ex.PW-3/M**) was never received in the CR section of the President's Secretariat. This was followed by a note by Sh. K.C. Singh, the-then Deputy Secretary in the President's Secretariat, wherein, he stated that "*This entry seems to have been inserted in the Register sometime after the 15th April, 1986, as is apparent from the running serial numbers given in the Register.*"

63. On the basis of this note, an enquiry was marked by Sh. S. Vardharajan to DS(N) i.e. the-then Deputy Secretary Sh. S. Neelakanthan, who was the Vigilance Officer at the relevant time. Thus, it is evident that the noting by Sh. I.D Jajoria was followed by subsequent notings in the notesheet (**Ex.PW-4/B**), clearly showing that the representation in question was not traceable in the President's

Secretariat and a conclusion was drawn that the Entry in question (Ex.PW-5/1) was inserted/ interpolated.

64. Ld. Counsels for the accused have raised another contention that as per the testimony of PW-4, a vigilance enquiry was ordered and a Vigilance Officer was appointed. Moreover, vide letter dated 25.08.1986 (Ex.PW-4/H), addressed to the Assistant Registrar, Hon'ble Supreme Court, it was specifically stated that the circumstances under which the entry was made in the Dak Register (Ex.PW-1/1) are being enquired into.

65. However, in the affidavit filed by Sh. K.C. Singh on 03.09.1986 (Ex.PW-3/F), the factum of vigilance enquiry being initiated, has not been mentioned. It is contended by Ld. Counsel for accused that the witness Sh. K.C. Singh, deliberately concealed the factum of vigilance enquiry being ordered and appointment of a Vigilance Officer. It is further submitted that had this fact been brought to the notice of the Hon'ble Supreme Court of India, the Supreme Court would have waited for the vigilance report, rather than indulging itself into the jurisdiction u/S 340 CrPC.

66. It is a matter of record that the factum of vigilance enquiry being ordered, was not brought to the notice of the Hon'ble Supreme Court. However, no response/ explanation was sought by the Hon'ble Supreme Court, regarding any pending enquiry/ vigilance enquiry on the alleged interpolated entry. Had this been directed by the Hon'ble

Supreme Court, the Ld. Counsels for the accused could have raised an argument of deliberate concealment by Sh. K.C. Singh, but this is not the situation in the present case. Moreover, in any event, the proceedings u/S 340 CrPC operate in a different field and have no relation with the vigilance enquiry. **Thus, this contention of deliberate concealment by Sh. K.C. Singh in his affidavit, is devoid of merit.**

67. **Thus, upon a holistic assessment of the arguments raised by the prosecution as well as the defence regarding the delivery of alleged representation, it can be concluded that the prosecution has failed to show that the alleged representation dated 11.04.1986 (Ex.PW-3/M) was not actually delivered at the CR Section of the President's Secretariat. While it has been proved that the stamp affixed on the alleged representation was not the one, which should have been affixed on the document in the usual course of work; the fact that the Dak Register (Ex.PW-1/1) was being used for both sealed and unsealed letters and other documents, indicates a plausibility of the alleged representation being delivered by accused Ashok Jain (A-6). This factor coupled with the lack of rigidity in issuance of a visitor's pass in the President's Secretariat, point to a possibility that Sh. Ashok Jain (A-6) had indeed visited the President's Secretariat on 15.04.1986 and delivered the alleged representation. The non-traceability of the alleged representation (Ex.PW-3/M) is by itself, not a sufficient basis to conclusively determine that the alleged representation was not delivered in the President's Secretariat.**

68. Moreover, the alleged offences u/S 193 IPC and 199 IPC which deal with punishment for false evidence and punishment for a false statement made before a Court of Law, are not attracted *qua* any of the accused. Since, the factum of alleged representation not being delivered has itself not been proved, the averment that the accused persons falsely stated the same in their respective affidavits (Ex.PW-3/C to Ex.PW-3/E and Ex.PW-3/J to Ex.PW-3/L) also cannot be proved. **Thus, the offences u/S 193 IPC and 199 IPC are not attracted, *qua* any of the accused.**

C. The alleged commission of offences u/S 466/ 471 IPC.

69. The Court shall now deal with the charges of commission of forgery, as alleged against the accused. The story, as unfolded by the prosecution, is that the alleged representation (Ex.PW-3/M) was not delivered in the CR section of the President's Secretariat on 15.04.1986 and the accused persons, namely, Late Milap Chand Jagotra (A-1) and Late Gurcharan Singh (A-2), who were working in the CR section at the relevant time, allegedly inserted the entry in question (Ex.PW-5/A) dated 15.04.1986 with entry no. 20, in connivance with accused persons (A-3, A-5 and A-6).

70. It is submitted by the Ld. PP for CBI that the alleged forgery in the Dak register by accused Late Milap Chand Jagotra (A-1) and the accused Late Gurcharan Singh (A-2), has been clearly proved by the CFSL report dated 26.06.1987 (Ex.PW-8/1) and the said report is *per*

se admissible u/S 293 Cr.PC. *Per contra*, it is contended by Ld. Counsels for the accused that both the accused (A-1 and A-2) expired during the pendency of the trial and the proceeding *qua* both these accused have been abated. On this basis, it is contended that there can be no finding of forgery against the accused or any attribution of guilt on the deceased accused.

71. It is a matter of record that the alleged interpolation in the Dak Register (Ex. PW-1/1), has been attributed to only accused No. 1 and 2 and the proceedings against both these accused have been abated. The Hon'ble Supreme Court in the case of *U. Subhadramma and Ors. Vs State of Andhra Pradesh & Anr.*, (2016) 7 SCC 797, has held as follows:

“ As far as the circumstances of this case are concerned, we find that there has been a gross miscarriage of justice at several steps. In the first place, the finding of the trial court that Ramachandraiah was alone responsible for the offences is completely vitiated as null and void since Ramachandraiah had admittedly died on the date this finding was rendered. It is too well settled that a prosecution cannot continue against a dead person. A fortiori a criminal court cannot continue proceedings against a dead person and find him guilty. Such proceedings and the findings are contrary to the very foundation of criminal jurisprudence. In such a case the accused does not exist and cannot be convicted. (Emphasis supplied). Consequently, the learned District Judge committed a gross error of law in acting upon such a finding and treating Ramachandraiah as guilty of such offences while making the order of attachment and while confirming the said order of attachment of properties.”

72. Thus, it is evident that there can be no finding of guilt against an accused, who has passed away, during the pendency of trial and thus, no finding on the alleged forgery can be given by this Court. At the same time, it is a matter of record that there are other surviving accused who are facing the charges u/S 120-B IPC, r/w Sections 466/471 IPC and on this basis, it is submitted by Ld. PP for CBI that a determination regarding the commission of offences u/S. 466/471, IPC is to be made.

73. *Arguendo*, even if it is assumed for the sake of arguments that the role of the surviving accused has to be ascertained and a finding needs to be given in this regard; the alleged commission of offences u/S 466/471 IPC have also not been proved on merits. The same shall be dealt with, below.

74. It is submitted by Ld. PP for CBI that the alleged interpolation in the Dak Register i.e. the offence of commission of forgery u/S 466 IPC has been proved through the CFSL report dated 26.06.1987 (**Ex.PW-8/1**) as well as the testimony of **PW-8 D.R Handa**, who was the expert summoned from CFSL. It is submitted that the said report is *per se* admissible u/S 293 CrPC.

75. It is pertinent to note that the testimony of the witness **PW-8 D.R Handa** does not aid the case of the prosecution, as he only identified the signatures of the deceased Sh. T.R Nehra, who had prepared the CFSL report dated 26.06.1987. The said witness could not explain the

contents of the CFSL report (**Ex.PW-8/1**). Ld. PP for CBI has placed strong reliance on Section 293 of CrPC, as per which the report from CFSL, New Delhi is itself admissible, without any witness being summoned, in this regard. However, admissibility of a document is different from proof of the document and the mere fact that the said report is admissible in nature, does not lead to the Report (**Ex.PW-8/1**) being proved, in accordance with law. Further, Ld. Counsels for the accused have raised an objection to the said report and have argued that as per Section 293 (2) CrPC, the Court has ample power to summon and examine any such Officer, as to the **subject-matter** of the report. It is submitted that the testimony of witness was only limited to identifying the signatures of the author of the document and there was no examination, regarding the **subject-matter** or the **contents** of the expert opinion (**Ex.PW-8/1**) and thus, no reliance can be placed on the same.

76. Once, the prosecution has decided to summon a witness to depose on the report/ expert opinion, it is the duty of the prosecution and also the mandate of Section 293 (2) CrPC, to ensure that the witness is competent to testify on the subject-matter of the report. It was all the more incumbent on the prosecution to get a witness, who was familiar with the contents of **Ex.PW-8/1**, once an objection was raised on behalf of the defence, but the same was not done. The witness in the present case has not been able to depose on the subject-matter of the report, as he was never involved in preparation of the said report (**Ex.PW-8/1**) in any manner, whatsoever. It may be true that due

to lapse of almost 38 years, the prosecution may not have been able to secure the presence of a witness, who was involved in preparation of the said CFSL report or was familiar with the subject matter of the report, but the benefit of doubt in such cases, accrues to the accused.

77. Additionally, a strong doubt has been cast on the case of the prosecution, as the original specimen hand-writings of the accused persons, have been lost in the present case. The said specimen hand-writings of the accused formed the basis of comparison by the CFSL expert and the preparation of the CFSL report (**Ex.PW-8/1**). Ld. PP for CBI has submitted that the printouts of the specimen hand-writing/signatures of the accused persons, namely, Late Milap Chand Jagotra (A-1) and Late Gurcharan Singh (A-2) were prepared from the negatives preserved in CFSL, Delhi. However, no sufficient explanation has been adduced by the prosecution, as to how the original specimen hand-writing/ signature of the accused persons have been lost and from whose custody, they were lost.

78. The witness, namely, Rajeev Kumar Negi (**PW-10**) was examined and proved that he printed the photographs from the negatives preserved in CFSL and was assigned the said task by the HOD, Photo Division on 17.10.2017. However, during his cross-examination, the witness admitted that he was never involved during the investigation of the present case and was also not aware, as to who took the pictures of the purported documents (negative images). His role was limited to taking a printout of the negatives. Furthermore, the

witness **PW-9** Vijay Verma produced a copy of the images and printouts, whose originals were claimed to have been used for preparing the CFSL report (**Ex.PW-8/1**) and was also not responsible for taking the pictures of the purported documents i.e. the negatives in question.

79. Both the witnesses testified that they were not aware of how and where the original documents got lost and had no knowledge as to how and where the negatives were preserved and processed. This Court is in agreement with the submissions addressed on behalf of the accused that mere print outs of negatives of the lost documents, without proving as to how, when and where the photocopies/ negatives surfaced and from whom; cannot be relied upon in evidence.

80. It is trite law that primary evidence is the best evidence and in the absence of the same, secondary evidence can be led. However, in order to lead secondary evidence, the prosecution must show that atleast one of the conditions mentioned in Section 65 of the Indian Evidence Act, 1872 has been proved. The prosecution was also mandated to prove that the photocopy of the document was made, during the existence of primary source, as well as the continuity/ preservation/ recovery of the photocopy in question, were all required to be proved.

81. However, in the present case, there is complete failure on the part of prosecution to prove and establish the existence of the alleged

photocopy of the documents, forming subject matter of the CFSL report (**Ex.PW-8/1**). The documents and materials which formed the basis of preparation of CFSL report have a broken chain of custody for a long period and no explanation could be adduced by the prosecution, regarding the same. In such circumstances, where the primary evidence i.e. the original specimen hand-writing and signatures are missing and the photocopy of the same is also missing, the basis of preparation of the CFSL report is itself rendered doubtful and hence, no reliance can be placed on the said CFSL report.

82. It is submitted by Ld. PP for CBI that even *de hors* the CFSL report, the testimony of prosecution witnesses independently establishes the signatures of Late accused Gurcharan Singh (A-2) on the disputed entry (**Ex.PW-5/A**). It is submitted by Ld. PP for CBI that **PW-5 Late I.D Jajoria**, during the course of his examination-in-chief testified that Late Gurcharan Singh (A-2) admitted his signatures on the entry in question. Moreover, **PW-7 Vijay Pal** during the course of his testimony also identified the signature of Late Gurcharan Singh (A-2) at point X on the entry in question and also testified that the date 15/4 was also written by Late Gurcharan Singh (A-2). Even if the said testimonies of prosecution witnesses is taken at face value, the same is insufficient to prove the offence of forgery in question.

83. To establish the offence of forgery, it must first be established that the alleged representation was never received in the CR section and despite that, an entry regarding the receipt of the alleged

representation has been made in the Dak Register (**Ex. PW-1/1**). Since, the first part of the proposition sought to be proved by the prosecution, has itself not been proved; consequently, the question of commission of forgery itself falls to the ground, as it cannot be held that the entry in question is a forged one.

84. In any event, it is not the case of prosecution today, that the present accused (A-3, A-5 and A-6) were responsible for or made the alleged interpolated entry (**Ex.PW-5/A**) in the Dak Register. It is no more *res integra* that an offence of forgery is not attracted against a person who has not created or signed the false document. (***Sheila Sebastian Vs. R. Jawaharaj & Anr., 2018 (7) SCC 581***). Thus, the commission of offence u/S 466 IPC, is not attracted against the accused.

85. The next offence sought to be proved is the use of the alleged interpolated entry (**Ex.PW-5/A**) as genuine, by the accused persons, despite knowing that the said entry was interpolated/ fabricated. Section 471 IPC penalizes the fraudulent or dishonest use of any forged document as genuine, despite knowing or having a reason to believe that such document is forged. It is alleged by the prosecution that the accused persons placed reliance on the alleged interpolated entry (**Ex.PW-5/A**) and used this as a basis for filing WP (Crl.) No: 363/1986, before the Hon'ble Supreme Court, seeking release of accused Mohan Lal Jatia.

86. However, for proving the commission of offence u/S 471 IPC, at first the foundational fact of forgery or that the document is forged needs to be proved [*Vandana Vs. State of Maharashtra, 2025 INSC 1098*]. Once, the prosecution has failed to prove the commission of offence u/S 466 IPC, the offence u/S 471 IPC itself is not attracted *qua* any of the accused.

87. Even assuming that the entry in question was interpolated, the prosecution was required to establish a nexus between such interpolation and accused persons. However, the evidence on record is conspicuously silent on this aspect. It is admitted that the Dak Register (Ex.PW-1/1) was maintained with the CR Section of the President's Secretariat and none of the accused persons had any access to to the said Register or any control over it. In such circumstances, no connecting evidence has been shown, as to whether the accused persons had interacted with or influenced any official responsible for maintaining the said Register (Ex.PW-1/1). **In the absence of such connecting evidence showing the role of accused in getting the alleged entry inserted in the Dak Register (Ex.PW-1/1), the essential ingredients of offences pertaining to forgery and use of forged documents as genuine, remain unproved.**

88. Thus, in light of the above discussion, it is evident that the prosecution has failed to prove the commission of offences u/S 466/471 IPC *qua* any of the accused, in the present case.

D. The offence of criminal conspiracy u/S 120B, IPC.

89. It is alleged that the accused persons conspired with each other, in order to show that the alleged representation was delivered in the CR section of the President's Secretariat, when it was actually not so. It is further alleged, that in pursuance of the said conspiracy, the accused Ashok Jatia (A-5) handed over the letter/ alleged representation to accused Ashok Jain (A-6) on 14.04.1986, who was shown to have delivered the alleged representation in the President's Secretariat on 15.04.1986. *Per contra*, Ld. Counsels for the accused have submitted that there is no *iota* of evidence on record to show the existence of any sort of conspiracy, between the accused.

90. It is trite law that conspiracy is usually hatched in dark and there is seldom, if ever, any direct evidence of conspiracy, which is forthcoming. The Hon'ble Supreme Court in the case of ***Baburao Bajirao Patil Vs. State of Maharashtra, (1971) 3 SCC 432***, has held that conspiracy by its very nature, is conceived and hatched in secrecy; otherwise the whole purpose would be frustrated. Accordingly, direct independent evidence of criminal conspiracy is generally not available, and its evidence is a matter of inference. This inference is normally drawn, from the act of the parties, in pursuance of a common purpose between the conspirators. It has also been held that in order to show the element of criminal conspiracy; the circumstances before, during and after the occurrence also have to be considered to decide the complicity of accused (***Ram Narayan Popli Vs CBI & Ors., AIR 2003 SC 2748***).

91. Further, it was held in *State (N.C.T of Delhi) Vs. Navjot Sandhu & Ors., 2005 11 SCC 797*, that a few bits here and a few bits there, on which the prosecution relies cannot be held to be adequate, for connecting the accused, with the offence of criminal conspiracy. It was also held that the cumulative effect of proved circumstances, should be considered in determining the guilt of accused, rather than adopting an isolated approach to each of the circumstance.

92. Thus, the prosecution is bound to establish the meeting of minds, to prove the existence of criminal conspiracy and the same can also be inferred from surrounding circumstances. However, there is no evidence on record to show the meeting of minds, as alleged by the prosecution. This Court is in agreement with the submissions made on behalf of A-6 that there is no evidence to show that accused Ashok Jain (A-6), had any knowledge with regard to the intended filing of any petition before the Hon'ble Supreme Court or that the Written Representation or its Xerox copy would be used in the said proceedings. There is nothing on record to show that the accused Ashok Jain (A-6) played any role in the litigation and other proceedings regarding the release of accused Mohan Lal Jatia (A-3), either prior to the delivery of the letter or pursuant to the same and had only filed an affidavit, as per the directions of the Hon'ble Supreme Court.

93. Further, even as regards the other accused i.e. A-3 and A-5, there is nothing on record to show that they had any contact with any official of Rashtrapati Bhawan at any point of time or were connected in any manner to the insertion of the alleged entry in question (**Ex.PW-5/A**) in the Dak Register (**Ex.PW-1/1**). The prosecution has failed to establish any prior agreement or coordinated action between the accused, in order to facilitate the commission of the alleged offence and thus, the allegations pertaining to criminal conspiracy, remain unsubstantiated.

94. It is trite law that mere suspicion, without any corroborative material cannot be a substitute for proof and there must be something on record to show that the accused persons entered into an agreement to commit the alleged offence and carried out any action, in furtherance of the same. **Thus, in such circumstances, the offence of criminal conspiracy is not attracted *qua* any of the accused.**

E. Additional contentions raised on behalf of the parties.

95. This Court shall now deal with the other arguments raised by Ld. PP for CBI as well as Ld. Counsels for the accused.

(i) The effect of death of A-1 and A-2 on the present proceedings.

96. The accused persons, namely, Late Milap Chand Jagotra (A-1) and Late Gurcharan Singh (A-2) expired during the pendency of the trial and the proceedings against these accused have already been

abated. Both these accused were working in CR Section of the President's Secretariat during the concerned period and were alleged to have inserted the interpolated entry in question. The offence u/S 218 IPC for which the accused persons have also been charged, is not attracted *qua* any of the present accused, as the same deals with a public servant framing an incorrect record; but admittedly none of the surviving accused are public servants in the present case. Moreover, since, both the accused in the present case (A-1 and A-2) who were public servants, have already passed away during the pendency of trial, the question of commission of offence u/S 218, IPC does not arise.

97. Ld. Counsels for the accused have raised an additional contention that both these accused were public servants at the time of commission of alleged offence and u/S 197 Cr.PC, the prosecution ought to have taken the requisite sanction to prosecute these two accused, as the said act fell within the scope of their duties. However, since the proceedings against both the accused have already been abated, dealing with the contention will be a fool's errand.

(ii) No whisper of the alleged representation in SLP (Crl.) No. 1370/86, filed on behalf of Late Ms. Pushpa Devi Jatia (A-4).

98. It is contended by Ld. PP for CBI that once the Hon'ble Bombay High Court dismissed the Writ Petition (Crl.) No. 385/86 vide Order dated 02/03.05.1986, the Special Leave Petition (Crl.) No. 1370/86 was filed by Late Ms. Pushpa Devi Jatia (A-4), before the Hon'ble

Supreme Court, assailing the said Order. However, there was no mention of any representation being filed before the Hon'ble President in the said SLP. It is further submitted that it was only in the Writ Petition (Crl.) No.363/86, filed on 11.07.1986 that this contention regarding the representation being filed before the President and the same not being considered; was first raised. On this basis, it is contended by Ld. PP for CBI that the filing of the alleged representation was an afterthought, in order to secure the release of accused Mohan Lal Jatia (A-3) and the said incriminating circumstance itself show's the commission of alleged offences by the accused.

99. However, this contention raised by Ld. PP for CBI has been satisfactorily answered on behalf of the accused. It is submitted by the accused that SLP (Crl.) No. 1370/86, was filed on 06.05.1986 and WP (Crl.) No. 363/86 was filed on 11.07.1986, and both were filed on different grounds. It is submitted that the said SLP was challenging only the detention order as well as the dismissal of Writ Petition before the Hon'ble Bombay High Court. However, the grounds of filing the WP (Crl.) No. 363/1986, were completely different. Moreover, both the matters were taken up together for the first time on 18.07.1986 and notice was issued in both, as there were summer vacations in Supreme Court. Thus, the accused persons have been able to adduce a reasonable explanation, as to why the grounds of the alleged representation being filed, was not taken in the SLP (Crl.) No. 1370/86 dated 06.05.1986 and was raised only subsequently in the Writ Petition (Crl.) No. 363/1986, filed on 11.07.1986.

(iii) The effect of non-examination of material witnesses.

100. The trial in the present case has lasted for more than 03 decades and the incident in question which forms the genesis of the present case, goes back to more than 39 years ago. One of the misfortunes of this protracted trial has been the non-examination of material witnesses, due to their expiry or their unavailability. It is pertinent to note that many key witnesses in the present case, whose testimony could have made a material difference to the present case and could have aided in eliciting the truth, could not be examined. The IO of the case Sh. T.N Kapoor (the-then Dy.SP), who conducted the investigation could not be examined, as he had passed away. The other crucial witness i.e. Sh. Kulwant Singh, Private Secretary to the President, to whom the representation (Ex.PW-3/M) was marked allegedly was also not examined. Moreover, the CFSL expert who prepared the report in question, Sh. T.R Nehra, was also not examined.

101. Other witnesses pertaining to the case of the prosecution i.e. Sh. D.B Bhatia, Sh. S. Neelakanthan, Deputy Secretary (Vigilance) to whom the vigilance enquiry was entrusted, were also not examined. As a result of the long period of trial, only 8 of the 22 prosecution witnesses, whose names were mentioned in the original list of witnesses, could actually be examined. To the contrary, Ld. PP for CBI has submitted that non-examination of these witnesses has not affected the case of the prosecution and the commission of alleged offences, still stands proved. Ld. PP for CBI has also relied on the decision of

the Hon'ble Supreme Court in *Bahadur Naik Vs. State of Bihar, 2000 (9) SCC 153*, wherein it was held that the non-examination of the IO as a witness is of no consequence, as it could not be shown what prejudice was caused to the accused, due to such non-examination.

102. Undoubtedly, the crucial test with regard to non-examination of the witness is whether the non-examination of a witness has caused any prejudice to the accused (*Munna Lal Vs. State of U.P, 2023 (18) SCC 661*). In the present case, many aspects of the investigation i.e. the non-examination of Peons/ Zamadars of the Central Registry, who were handling the letters between various departments, non-filing of affidavit by Sh. Kulwant Singh, the result of the vigilance inquiry conducted by Sh. Neelakanthan were missing and could only be explained by examination of the witnesses. Unfortunately, on account of non-examination of these material witnesses, there still remain many unexplained gaps in the case of the prosecution.

103. It is further argued by Ld. PP for CBI that the delay was owing to the various miscellaneous applications and dilatory tactics adopted by the accused. However, be that as it may, the prosecution is enjoined with the responsibility of proving its case beyond reasonable doubt and ensuring the examination of all material witnesses. The prosecution indeed tried its best to ensure examination of available witnesses at the earliest, but the same could not fructify. The laches on the part of the accused, do not lessen the obligation of the prosecution to place the best available evidence on record. As a consequence of the non-

examination of these material witnesses, the complete facts could not come to light and significant gaps have lingered on, in the case put forth by the prosecution. The benefit of the same, accrues to the accused.

104. It has been strongly emphasized by the prosecution that the present complaint u/S 340 Cr.PC was received from the Hon'ble Supreme Court and concerns the interpolation of entries in the registers maintained in the highest office of this country i.e. the President's Secretariat. Notwithstanding the fact that this case involves highest offices of the country; even in cases of complaints received u/S 340 CrPC where a *prima facie* determination of wrong-doing has been made, the prosecution is still bound to prove its case beyond reasonable doubt. The legal position in this regard has been amply clarified by the Hon'ble Supreme Court.

105. The Hon'ble Supreme Court in the case of ***K. Karunakaran Vs. T.V. Eachara Warriar, (1978) 1 SCC 18***, wherein, a complaint was directed to be filed by the Hon'ble High Court of Kerala u/S 340 CrPC, against the-then Home Minister of Kerala; had categorically held that *at the stage of inquiry held by the Court u/S 340(1) CrPC, the only question is whether a prima facie case is made out, which if unrebutted, may have a reasonable likelihood to establish the specified offence and whether it is expedient in the interests of justice to take such action.* However, the Hon'ble Supreme Court further went on to

say that once such complaint is instituted, it will proceed like a full-fledged trial and observed as follows:

24. “We should make it clear that when the trial of the appellant commences under [section 193 IPC](#) the reasons given in the main judgment of the High Court or those in the order passed under [section 340\(1\) Cr.P.C.](#), should not weigh with the criminal court in coming to its independent conclusion whether the offence under [section 193 IPC](#) has been fully established (against the, appellant beyond reasonable doubt. It will be for the prosecution to establish all the ingredients of the offence under [section 193 IPC](#) against the appellant and the decision will be based only on the evidence and the materials produced before the criminal court during the trial and the conclusion of the court will be independent of opinions formed by the High Court in the habeas corpus proceeding and also in the enquiry under [section 340\(1\) Cr.P.C.](#)”

*25. An enquiry, when made, under [section 340\(1\) Cr.P.C.](#) is really in the nature of affording a locus poenitentiae to a person and if at that stage the court chooses to take action, it does not mean that he will not have full and adequate opportunity in due course of the process of justice to establish his innocence.”
(**emphasis supplied**)*

106. These directions were further reiterated by the Hon’ble Supreme Court in *State of Goa Vs. Jose Maria Albert Vales @ Robert Vales, (2018) 11 SCC 659*. Thus, even in complaints received u/S 340 CrPC, the prosecution must prove its case beyond all reasonable doubt. It is for the prosecution to travel the entire distance between ‘*may be true*’ to ‘*must be true*’ and the same must be proved by legal, reliable and unimpeachable evidence. (*Sarwan Singh Rattan Singh v. State of*

Punjab, AIR 1957 SC 637). There are various lacunae and gaps in the case of the prosecution, which accrue to the benefit of the accused in the present case.

107. When the evidence is appreciated in its entirety, this Court finds that the prosecution's case rests on conjectures and inferences, rather than legal proof. The non-examination of material witnesses, failure to prove secondary evidence in accordance with law and inconsistencies in the testimony of crucial prosecution witnesses, collectively give rise to a serious and reasonable doubt. On the other hand; the accused persons have been able to cast a serious dent in the case of the prosecution.

108. This Court is also constrained to observe that, had the trial in the present case not been so protracted, additional material evidence may have surfaced, thereby placing the Court in a better position to ascertain the truth. Be that as it may, upon a careful appreciation of the material on record, the prosecution has failed to establish the commission of alleged offences by the accused, beyond reasonable doubt.

CONCLUSION

109. Considering the entire conspectus of facts and circumstances and the evidence on record, this Court is of the considered opinion that the prosecution has failed to prove the commission of alleged offences by the accused. As a result, the accused persons, namely, **Mohan Lal Jatia (A-3), Ashok Jatia (A-5) and Ashok Jain (A-6) stand acquitted of all the offences, for which they are charged, in the present case.**

110. Before parting, this Court would like to underscore its appreciation for Ld. Counsels for the accused persons as well as Ld. PP for CBI, for the superlative assistance rendered during the trial and arguments of the present case. This Court also wishes to acknowledge Ld. PP for CBI for his persistent efforts.

111. File be consigned to **Record Room**, after due compliance.

(Jyoti Maheshwari)
Addl. Chief Judicial Magistrate-05
Rouse Avenue Courts Complex

***Announced in the open Court
on 27th March, 2026.***

ANNEXURE

Annexure in compliance of the directions of the Hon'ble Supreme Court in *Manojbhai Jethabhai Parmar (Rohit) v. State of Gujarat (2025 INSC 1433)*.

A. LIST OF WITNESSES EXAMINED:

Sr. No. of the witness	Name of the witness	Brief description/Role of the witness
PW-1	Sh. Sarnjit Singh Bhamra	The-then LDC in the CR Section of the President's Secretariat and identified the entry No. 19 and 20A in Dak Register.
PW-2	Sh. Yogender Kumar	The-then LDC in the CR Section of the President's Secretariat.
PW-3	Sh. Rajender Prasad	Worked as a Court Assistant in the Supreme Court of India in 2015 and produced the original record pertaining to the case.
PW-4	Sh. K.C. Singh	The-then Deputy Secretary in President's Secretariat.
PW-5	Sh. Ishwar Dass Jajoria	Section Officer in the CR Section of President's Secretariat in 1986.
PW-6	Sh. M S A Siddiqui	Registrar General of the Hon'ble Supreme Court of India and complainant in the present case.
PW-7	Sh. Vijay Pal	Assistant in Personnel Section of President's Secretariat.
PW-8	Sh. D. R. Handa	Principal Scientific Officer and HOD (Retired), CFSL, New Delhi and identified the signature of Sh. T. R. Nehra on the CFSL report.
PW-9	Sh. Vijay Verma	Assistant Director-cum-Scientist-C, in CFSL, New Delhi.
PW-10	Sh. Rajeev Kumar Negi	Senior Scientific Assistant in CFSL, New Delhi.

B. STANDARD CHART OF EXHIBITED DOCUMENTS:

Exhibit No.	Description of Documents	Witness who proved or attested the documents
Ex. PW-1/1 (D-10)	Dak Register (Register No. 8)	PW-1
Ex. PW-1/A	Entry No. 19 dated 15.04.1986, in the Dak Register.	
Ex. PW-1/B	Entry No. 20A dated 16.04.1986, in the Dak Register.	
Ex. PW-2/A (D-15)	Attendance register maintained in the CR Section in the year 1986.	PW-2
Ex.PW-3/A	WP (Crl.) No. 363/1986 filed in the Hon'ble Supreme Court of India on 11.07.1986.	PW-3
Ex.PW-3/B	Order dated 20.07.1994 passed by Hon'ble Supreme Court of India in WP (Crl.) No. 363/1986.	
Ex.PW-3/C	Affidavit filed on 09.09.1986 by Ashok Jain (A-6) in WP (Crl.) No. 363/1986.	
Ex.PW-3/D	Affidavit filed on 29.08.1986 by Ashok Jain (A-6) in SLP (Crl.) No. 1370/86 and WP (Crl.) No. 363/1986.	
Ex.PW-3/E	Affidavit filed on 26.09.1986 by Ashok Jain (A-6) in WP (Crl.) No. 363/1986.	
Ex.PW-3/F (OSR)	Affidavit filed on 03.09.1986 by K.C. Singh in WP (Crl.) No. 363/1986.	
Ex.PW-3/G (OSR)	Affidavit filed on 12.09.1986 by S.K. Choudhary in Crl. Misc. Petition No. 464/1986.	
Ex.PW-3/H (OSR)	Crl. Misc. Petition No. 464/1986 filed in WP (Crl.) No. 363/1986.	
Ex.PW-3/J	Affidavit filed on 11.07.1986 by Ashok Jatia (A-5) in WP (Crl.) No. 363/1986.	
Ex.PW-3/K	Affidavit filed on 06.05.1986 by Late Ms. Pushpa Devi Jatia (A-4) in SLP (Crl.) No. 1370/86.	
Ex.PW-3/L	Affidavit filed on 26.09.1986 by Mohan Lal	

	Jatia (A-3) in WP (CrI.) No. 363/1986.	
Ex.PW-3/M	Representation dated 11.04.1986 addressed to President of India by Mohan Lal Jatia (A-3) and bearing an acknowledgment of the CR Section.	
Ex.PW-3/N	Affidavit filed on 26.09.1986 by Ashok Jatia (A-5) in WP (CrI.) No. 363/1986.	
Ex.PW-4/A (D-12)	Letter No. F.No. 702/SC/66/86-CUS/12 dated 04.08.1986.	PW-4
Ex. PW-4/B	Notesheet regarding reply sent to Sh. S.K Chaudhary, Under Secretary, MoF.	
Ex.PW-4/C	Reply dated 04.08.1986 sent by Sh. D.B. Bhatia.	
Ex.PW-4/D (D-14)	Note sheet 14.08.1986.	
Ex.PW-4/E (D-13)	Note sheet dated 19.08.1986.	
Ex.PW-4/F	Letter dated 21.08.1986.	
Ex.PW-4/G	Certified copy of letter dated 21.08.1986.	
Ex.PW-4/H	Letter dated 25.08.1986.	
Ex.PW-4/I	The sheet with two specimen impression of stamps.	
Ex.PW-4/J	Letter issued to Mr. C.V. Subba Rao, Deputy Govt. Advocate.	
Ex.PW-4/K	Letter dated 26.08.1986, addressed to Sh. K.C Singh.	
Ex.PW-4/L	Letter dated 29.08.1986, addressed to Sh. K.C Singh.	
Ex.PW-4/M	Office copy of affidavit filed by Sh. K.C Singh.	
Ex.PW-4/N	Letter dated 05.09.1986, addressed to Sh. K.C Singh.	
Ex.PW-4/O	Letter dated 10.09.1986, addressed to Sh. C.V Subba Rao.	
Mark 4/I	Copy of the affidavit of Ashok Jain (A-6) dated 09.09.1986, received in the President's Secretariat.	
Mark A & Mark B	Arrival and departure details of Yogendra	

	Kumar and accused Late Milap Chand Jagotra (A-1).	PW-5
Ex. PW-5/A	Signature of accused Late Gurcharan Singh (A-2) on the disputed entry in the Dak Register (D-10).	
Ex. PW-6/A	Complaint dated 19.08.1994 filed by MSA Siddiqui.	PW-6
Ex.PW-8/1 (D-16)	The CFSL report dated 26.06.1987.	PW-8
Mark8/A	Signature of Sh. V. N. Sehgal on the forwarding letter dated 29.06.1987.	
Ex.PW-10/1	Photo proforma dated 17.10.2017 bearing signatures of Sh. A.D. Tiwari.	PW-10
Ex.PW-10/2	Photo proforma containing 99 and 281 negatives in two different envelopes.	
Ex. PW-10/3	Envelope containing 99 negatives.	
Ex. PW-10/4	Envelope containing 285 negatives.	
Ex.PW-10/5 (Colly)	Printouts of the said negatives containing 342 pages.	