



2. The said Revision Petition was filed under Section 397 of the Cr.P.C. by the petitioner herein challenging the order dated 29.07.2022 passed by the learned Chief Metropolitan Magistrate, Rouse Avenue District Courts, New Delhi (hereinafter referred to as the 'Trial Court') in Case No. 11/2021, titled as ***CBI v. Pramod Kumar Singh***, directing framing of charge against the petitioner for offence punishable under Section 120-B read with Sections 419/420 of the Indian Penal Code, 1860 (in short, 'IPC') and substantive offences under Sections 419 and 420 of the IPC.

Factual Background

3. The above case has been registered on a complaint dated 27.11.2019 received from the Assistant Director, Prime Minister Office, Delhi alleging that Sh.Aman Sharma, Administrator, Mahe Region, Pondicherry had received a call from an unknown person having mobile number XXX588 claiming himself to be the Principal Secretary to the Hon'ble Prime Minister and asking for some favour saying that his daughter is studying in JIPMER, Pondicherry.

4. It was further alleged that on 30.09.2019, Sh.Aman Sharma received a call on his mobile from the above said number which belongs to Sh.Pramod Kumar Singh (accused no.1), who introduced himself as the Principal Secretary to the Hon'ble Prime Minister, stating that his daughter is studying in JIPMER, Pondicherry. The accused asked Sh.Aman Sharma if



he could provide the reference/contact details of some officials at Pondicherry as he had some work at Pondicherry. Sh.Aman Sharma gave him a reference of one Sh.Ratanaghosh Chaure, Under Secretary in Government of Puducherry, whose wife is working as a Gynaecologist at JIPMER. It is further alleged that Sh.Aman Sharma also informed Sh.Ratanaghosh Chaure about the aforesaid call and further shared the caller details, that is, the above said number, through Whatsapp message to him. Sh.Aman Sharma also shared the contact details of Sh.Ratanaghosh Chaure through a text message with the accused Sh.Pramod Kumar Singh at the above given number.

5. The prosecution alleges that on the very same day, Sh. Ratanaghosh Chaure received a phone call on his mobile from the above-mentioned number and on asking the accused/Sh.Pramod Kumar Singh about the kind of help required, he disconnected the call. Sh. Ratanaghosh Chaure received another call after a few minutes and the accused Sh.Pramod Kumar Singh told him that his Personal Secretary was there at Pondicherry and a vehicle is required for his movement. Sh. Ratanaghosh Chaure asked for the contact details of the concerned person in order to arrange the vehicle for him. The prosecution alleges that immediately thereafter, a Whatsapp message was received at 19:18 Hrs on the mobile number of Sh. Ratanaghosh Chaure from another mobile number XXX977, which also belongs to the accused Sh.Pramod Kumar Singh, containing the contact details of PA as



“Mr.Vivek K” (petitioner herein) and mobile number XXX628, which, as is now discovered, belongs to the petitioner herein. In order to confirm the details, Sh. Ratanaghosh Chaure called on the given mobile number, that is, XXX628, and enquired from the person receiving the call if he was Sh.Vivek K and PA to the Principal Secretary, on which the accused Sh.Vivek K confirmed that he is the PA of the Principal Secretary. Sh. Ratanaghosh Chaure is alleged to have asked as to the day and purpose for which the vehicle is required, on which the accused, that is, the petitioner herein, informed that he required the vehicle on 01.10.2019 for the purpose of visiting various important places/sites at Pondicherry, including Shani Temple at Karaikal. Mr.Chaure got suspicious and called Sh.Aman Sharma informing him that the accused Sh.Pramod Kumar Singh had requested for a vehicle and he had no work at JIPMER. The accused Sh.Pramod Kumar Singh is alleged to have called Sh.Chaure 4-5 times thereafter, however, Sh.Chaure did not pick up these calls nor provided any vehicle.

6. The prosecution further alleges that the accused Sh.Pramod Kumar Singh again called from his mobile XXX588 to Sh.Aman Sharma on 12.10.2019, however, as Sh.Aman Sharma had become suspicious, he did not give any positive response to the accused and disconnected the call. The accused Sh.Pramod Kumar Singh made further attempts to call Sh.Aman Sharma on 16.10.2019, however, Sh.Aman Sharma did not pick up the call at that time. Sh.Aman Sharma in the evening called



back at the above number and enquired if he was really calling from the Prime Minister Office, on which Sh.Pramod Kumar Singh disconnected the call. Another attempt was made by Sh.Aman Sharma to make the above enquiry from the accused Sh.Pramod Kumar Singh, on which the accused is said to have disconnected the call stating that he is busy. On seeing the conduct of the accused, Sh.Aman Sharma made a call to the Personal Secretary of the Principal Secretary on his landline number and enquired about the number from which he was receiving the calls, to which it was confirmed that the same does not belong to the Principal Secretary.

7. This is the first set of allegations made by the prosecution, which ends by stating that Sh.Aman Sharma as also Sh.Chaure did not provide any type of facility like vehicles, accommodation etc., to the accused Sh.Pramod Kumar Singh or to any of his relatives. However, the accusations do not rest at this.

8. It is further alleged that further investigation revealed that on 29.09.2019, Sh.Shiv Kumar, Telephone Operator at the office of the Hon'ble Lt. Governor, Raj Nivas, Pondicherry received a call from the same number as mentioned hereinabove on the landline with the caller introducing himself as relative of the Principal Secretary to the Hon'ble Prime Minister and asking for a vehicle and accommodation to be provided for his relative, namely, Sh.Vivek K, that is, the petitioner herein, on 30.09.2019 at Pondicherry. The mobile number of the petitioner



herein is also alleged to have been shared. The Telephone Operator forwarded this message to the Controller House Hold, who directed the Telephone Operator to ask Sh.Vivek K to send a request letter to the office of the Hon'ble Lt. Governor in this regard. It is alleged that the Telephone Operator called the accused, that is, the petitioner herein on his mobile number XXX628 to ask the time and date of his arrival at Pondicherry and also asked him to send a request letter for accommodation and vehicle to the office of the Hon'ble Lt. Governor.

9. The prosecution alleges that on 29.09.2019, a call was again received on the landline from the above-mentioned number of accused no.1, this time representing himself to be the Special Secretary and relative of the Principal Secretary of the Hon'ble Prime Minister, and requesting for providing a vehicle and accommodation for his relative, namely, Sh.Vivek K, who is alleged to be the petitioner herein, for local movement in Pondicherry on the morning of 30.09.2019. This message was again forwarded to the Controller House Hold, who directed the Operator to call the caller at the above-mentioned number to send a request letter to the office for accommodation and vehicle. The message was forwarded to the number which is mentioned hereinabove with a request for the same.

10. On 30.09.2019, in the early morning, the Controller House Hold received a message from the Telephone Operator stating that Sh.Vivek K, who is alleged to be the petitioner herein, has reached Pondicherry. The Controller House Hold



directed the Telephone Operator to send a vehicle to pick up Sh.Vivke K, on which instructions, a vehicle was sent to the bus stand in Pondicherry to pick up Sh.Vivek K. The prosecution alleges that it is the petitioner who stayed at Hotel Puduvai Ashok, Pondicherry, though on his own arrangement and had made the payment for the entire stay on his own, however, had used the vehicle provided by the office of the Hon'ble Lt. Governor for local movement at Pondicherry.

11. This is the second set of allegations made, including against the petitioner.

12. The third set of allegations is that on 05.02.2020, a call was received at the office of Chief Vigilance and Security Officer, Tirumala Tirupati Devasthan (TTD), Tirupati from the above-mentioned mobile number of accused no. 1, again representing the caller to be the Principal Secretary, Prime Minister Office and asking for facilities like darshan, accommodation and other hospitality at Tirumala temple. The receiver of the call informed the accused Sh.Pramod Kumar Singh that the protocol services are provided by the office of the Additional Executive Officer, Tirumala, on which, the number of the concerned Officer was also provided by way of a Whatsapp on mobile number XXX977, which belongs to the accused Sh.Pramod Kumar Singh. It is alleged that Sh.Pramod Kumar Singh then forwarded the message of request to the Chief Vigilance and Security Officer, seeking contact details of various Officers of TTD, Tirupati on Whatsapp. The Officer,



accused and with a view to spite him due to private and personal grudge.”

21. Recently, the Supreme Court in ***Enforcement Directorate v. Niraj Tyagi***, 2024 SCC OnLine SC 134, has emphasized that the inherent powers under Section 482 of the Cr.P.C. do not confer any arbitrary jurisdiction on the High Court to act according to whims and caprices. Such power has to be exercised sparingly with circumspection and in the rarest of rare cases. The Court cannot embark upon an inquiry as to the reliability or genuineness or otherwise of the allegations made, and the quashing of an FIR or a charge-sheet should be an exception rather than an ordinary rule. I may quote from the judgement as under:

“20. In our opinion, it's a matter of serious concern that despite the legal position settled by this Court in catena of decisions, the High Court has passed the impugned orders staying the investigations of the FIRs and ECIR in question in utter disregard of the said settled legal position. Without undermining the powers of the High Court under Section 482 of Cr. P.C. to quash the proceedings if the allegations made in the FIR or complaint prima facie do not constitute any offence against the accused, or if the criminal proceedings are found to be manifestly malafide or malicious, instituted with ulterior motive etc., we are of the opinion that the High Court could not have stayed the investigations and restrained the investigating agencies from investigating into the cognizable offences as alleged in the FIRs and the ECIR, particularly when the investigations were at a very nascent stage. It hardly needs to be reiterated that the inherent powers under



local movement in Pondicherry. In fact, he has been identified as the person who availed of such facility.

23. As has rightly been observed by the learned Special Judge in its Impugned Order, in the instant case, offence under Section 120-B of the IPC has been alleged against the petitioner. It is not always possible to have direct evidence for such conspiracy and the same may have to be inferred from the circumstantial evidence. The prosecution, in my view, *prima facie* has met the test for framing of the charges against the petitioner.

24. The learned Metropolitan Magistrate, in his order dated 29.07.2022, has ably culled out various circumstances to show the complicity of the petitioner in the offence. I may quote the same hereinunder:-

“(9) There is prima facie evidence on record by way of copy of e-KYC Customer Application Form and accompanying statement u/s 161 Cr.P.C. of the witness Sh. Kamal Kumar, alternate Nodal Officer Reliance Info. Co. Ltd. to show that both the mobile phone numbers 630XXXX588 and 914XXXX977 are registered in the name of accused no. 1 Pramod Kumar Singh.

(10) The Customer Application Form for the number 776XXXX628 reflects the name of the registered customer as one Giasuddin Mazumder however the statement U/s 161 Cr.P.C. of the witness Sh. Giasuddin Mazumder is on record as per which this witness purchased the sim card of the aforesaid mobile number in June/July 2019 on the instructions of his employer who was none other than the accused no. 2 Vivek Keshavan and further he handed over the said sim card



phone number which was allegedly being used by the accused no. 2 (complete phone number as mentioned in the chargesheet). When Mr. Ratnagosh Kishore Chaure called on the mobile number 776XXXX628, an inquired as to whether the person was Vivek and PA of Sh. P.K. Mishra Sir, the person confirmed it.

(15) The CDRs pertaining to the mobile number. 630XXXX588 for the period 30.07.2019 to 07.02.2020 reflect the calls/SMS exchanged between said number and the number 944XXXX720 (i.e. the official number pertaining to the prosecution witness Sh. Aman Sharma as per his statement U/s 161 Cr.P.C.) between the period inter-alia 30.09.2019 to 16.10.2019.

(16) The CDRs of the mobile phone number 776XXXX628 for the period 01.03.2019 to 07.02.2020 show, amongst others, the outgoing call to the mobile number 940XXXX011 (i.e. mobile number registered in the name of the prosecution witness Sh. Ratnaghosh Kishor Chaure, as per the certified copy of the Customer application form for said number which is on record).

(17) The statement Us 161 CrPC. of Sh. Siva Kumar, Telephone Operator in Lt. Governor Office, Raj Niwas Pondicherry also prima facie corroborates the prosecution's case regarding call being received on 29.09.2019 in the evening from mobile number 630XXXX588 on the office landline no. 4132XXXX50/51 with the caller introducing himself as relative of Principal Secretary to PMO, Delhi seeking vehicle and accommodation for his relative Vivek K having mobile number 776XXXX628.

(18) According to the statement of Sh. Siva Kumar, he made a call on the no. 776XXXX628 of Mr. Vivek K. asking for written request for providing vehicle and accommodation as per the direction of



prosecution witness Ms. Asha Gupta, and Mr. Vivek informed that he was coming from Bangalore and would reach early morning at about 6.30 am on 30.09.2019.

(19) The telephone call register for the year 2019 maintained at L.G. Office, Raj Niwas, Pondicherry was seized during the course of investigation and is a corroborative piece of evidence for the prosecution wherein the witness Sh. Siva Kumar in his statement U/s 161 Cr.P.C. identified his handwriting at page 62, para 223 reflecting the phone number 776XXXX628 and name 'Vivek'.

(20) The statement of the witness Sh. D. Mourougan Manager of Hotel Padoval Ashok U/s 161 Cr.P.C. is also on record. This witness produced the Guest Register Card no. 682 dated 30.09.2019 and no. 786 dated 15.10.2019 of the said Hotel reflecting his signature and the signature of Vivek K as guest and also produced tax invoice bills dated 01.10.2019 and 16.10.2019 and scanned copy of Aadhar Card of the accused no. 2.

(21) The statement of the witness Sh. D. Mourugan coupled with the aforesaid documents prima facie suggest that the accused no. 2 Vivek Keshavan was present in Pondicherry and stayed at Hotel Puduval Ashok under the name 'Vivek K' on 30.09.2019 and 16.10.2019 prima facie giving credence to the prosecution's allegations against him.

(22) As to the defence of the accused no. 2 that someone may have misused his name, the identity aspect can be ascertained from the witnesses including Sh. D Mourougan only during trial and the defence of misuse of name would have to be established by the accused no. 2 in evidence.

(23) The CDR of the mobile number 776XXXX628 for the period 01.03.2019 to



07.02.2020 reflects inter alia, numerous calls exchanged with the mobile number 630XXXX588 (number of accused no. 1) on 30.09.2019 showing prima facie that the accused persons were in constant touch with each other during the relevant time which indicate towards the purported conspiracy.

(24) The documents on record coupled with statements U/s 161 Cr.P.C. of the prosecution's witnesses prima facie show that the accused persons in criminal conspiracy with each other impersonated themselves as government officials in order to deceive the government officials and avail facilities/benefits from the government departments and accused no. 2 in furtherance of the criminal conspiracy was able to avail of the benefit of vehicle provided by L.G. Office, Raj Bhavan Pondicherry in pursuance to such conspiracy and deception, causing wrongful loss to the government department."

25. The submission of the learned counsel for the petitioner that as a result of the alleged acts the petitioner, he did not obtain any property or benefits, also cannot be accepted at this stage. There is an allegation in the charge-sheet, accompanied with evidence, that he had availed of the official vehicle during his stay at Pondicherry. The effect of non-production of the vehicle register or the name of the driver shall have to be considered by the learned Trial Court on appreciating the other evidence led before it. It would be too premature for this Court to, at the present stage, hold that in the absence thereof, the charge against the petitioner must fail. The charge against the

