



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 % *Reserved on: 13th November, 2025*
Pronounced on: 24th February, 2026
 + **CRL.REV.P.320/2004**

BACHU SINGH

S/o Shri Hira Lal Lawania,

R/o B-70, Sector 36, Noida (U.P.).

.....Petitioner

Through: Mrs. Anita Sahani with Dr. Shiv
Kumar Tiwari, Advocates.

versus

C.B.I.

.....Respondent

Through: Mrs. Anubha Bhardwaj SPP for CBI,
along with Ms. Anchal Kashyap &
Ms. Ananya Shamsbery, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Sections 397/401 read with Section 482 Cr.P.C. has been filed against the Order dated 12.04.2004, whereby learned MM had allowed the Application of the Respondent/CBI for condonation of delay in filing the Chargesheet in case RC-46(A/97-DLI) under Section 168 IPC.
2. The *brief facts* as per the CBI, are that one Brahampal Singh, Assistant Director and other officials of Horticulture Department of MCD, entered into a criminal conspiracy with Smt. Neelam Sharma (Wife of the Petitioner Bachu Singh) proprietor of M/s. Royal Enterprises to cheat the Department and the aforesaid RC, was registered. During the course of



investigations, the house of the Petitioner was raided on 24.11.1995 and some documents were recovered from the house, which were seized by the Investigating Officer Inspector D.M. Sharma, CBI. Further Intelligence Reports were received that the *Petitioner Bachu Singh (husband of Smt. Neelam Singh) had been carrying on private business though he was a Public Servant.*

3. On the basis of this Intelligence Report, ***Preliminary Enquiry vide PE-21(A/96-DLI)*** was registered, on 23.12.1996. During the PE, summons were issued to several witnesses under Section 160 Cr.P.C. including the present Petitioner, who were examined by CBI.

4. On 07.05.1997, Inspector D.M. Sharma gave a Complaint to the Superintendent of Police, CBI, Anti-Corruption Branch for taking legal action against the Petitioner. On 13.06.1997, present RC under Section 168 IPC, was registered.

5. Since the offence alleged was non-cognizable, an Application for permission under Section 155(2) Cr.P.C. to investigate the case, was made to Learned MM, which was allowed on 29.07.1997.

6. After completion of investigations, **Chargesheet dated 28.07.1998**, for the offence under Section 168 IPC, was filed against the Petitioner before the learned MM, New Delhi. Along with the Chargesheet, an Application was also filed seeking condonation of delay of one and a half months, in filing the Chargesheet. **The Application was allowed and the Summons were issued to the Petitioner, on 18.08.1998.**

7. Coming to know about the issuance of Summons, Petitioner filed **Criminal Miscellaneous Main No.2391/1999**, to challenge the Order dated



18.08.1998 condoning the delay in filing the Chargesheet. **The Petition was allowed by this Court *vide* Order dated 14.12.1999 and the learned Trial Court was directed to decide the condonation Application afresh, after hearing both the parties.**

8. The Petitioner filed the Reply to the Application of the CBI for condonation of delay.

9. **The learned Trial Court, *vide* its Order dated 27.08.2002, allowed the Application by observing that there was a delay of 45 days beyond the control of CBI and condoned the delay.**

10. The Petitioner once again preferred **Revision Petition No.842/2002** and this Court *vide* Order dated 06.11.2003, again directed the learned Trial Court to ascertain, what was the point of time of the knowledge of the CBI about the commission of the offence by the Petitioner.

11. The learned Trial Court **in its Order dated 12.04.2004**, held that the **knowledge of CBI** regarding commission of the offence by the Accused, **was the day when the FIR was registered.** It was observed that before then, only the facts were being verified and it could not be said that the CBI was aware of the commission of the offence by the Accused or that it delayed the investigations deliberately. Furthermore, there was material on record to proceed under Sections 419/160 IPC. Therefore, the contentions of the Petitioner claiming that the Chargesheet was barred by limitation, was rejected.

12. Aggrieved by the said Order condoning the delay in filing the Charge-Sheet, the present Revision Petition has been filed.



13. The *grounds of challenge* are that the Order dated 12.04.2004, is contrary to facts and law. It has been erroneously held that the knowledge of the CBI, regarding commission of offence by the Accused, arose on the day when the FIR was registered or that the CBI, before then, was not aware about the commission of the offence by the Accused. **Section 469** Cr.P.C. does not refer to the date of registration of FIR, but to the date of knowledge of the commission of offence. It has not been appreciated that the documents were seized on 24.11.1995. On the basis of Intelligence Report, a PE was registered on 23.12.1996. It is thus, clear that CBI came to know about the commission of offence on 24.11.1995. Even if it is assumed that CBI had no knowledge on 24.11.1995, it definitely came to its knowledge before the PE was registered on 23.12.1996.

14. Furthermore, the Order under Section 155(2) of Cr.P.C. dated 29.07.1997 was *void ab initio* as itself suffered from the bar of limitation, under Sections 468 and 469 of Cr.P.C.

15. The matter had been remanded by this Court only for the limited purpose to ascertain as to the point of time of knowledge of CBI about the commission of the offence by the Petitioner and to determine the time barred prosecution in respect of Chargesheet under Section 168 IPC. It has not been considered that a right had accrued in favour of the Accused under Section 468 of Cr.P.C.,x by efflux of time. *The Order of the learned Trial Court, is bad in law and is liable to be set aside.*

16. The Petitioner, in support of his Petition, has filed the *written submissions* which are on similar lines.



17. **Learned Add. Public Prosecutor on behalf of CBI** has argued that there was a RC registered under Sections 13(1)(a) and (b) PC Act on 24.11.1995 against the Petitioner. During the search, documents were recovered on 24.11.1995, which included *Account Opening Form of the Firm of the Petitioner*. PE was conducted and it was concluded that no cognizable offence in the RC, was made out. However, an FIR under Section 168 IPC was registered. Since it was a non-cognizable offence, the Application was moved before the learned MM, to seek permission under Section 155 of Cr.P.C. for investigations, which was granted on 29.07.1997. The investigations were conducted and the Chargesheet under Section 168 IPC was filed on 28.07.1998. There was a delay of 1.5 months, which is liable to be condoned in the aforesaid facts and situation.

18. Moreover, running of the business by the Petitioner is a continuing offence, as there is no averment as to till when the business was continued. *Jitender Builders* was the proprietorship Firm of Bachu Singh /Petitioner and therefore, the Chargesheet has been filed within limitation period and there is no infirmity in the Order of learned MM.

Submissions heard and record perused.

19. This case has a checkered history and has travelled from 1995 till date; the Application for Condonation of Delay in filing the Chargesheet was considered three times. It was **first allowed vide Order dated 27.08.2002**, but the Order was set aside by the High Court in Revision Petition No. 842 of 2002 *vide* Order dated 06.11.2003, whereby it was directed that the learned Trial Court shall hear the matter afresh after giving an opportunity to the Petitioner.



20. Thereafter again, *vide* Order dated 12.04.2004, the learned MM allowed the Application of the Prosecution and condoned the delay in filing the Chargesheet and took cognizance under Sections 168/419 IPC and listed the matter for hearing on charge.

21. This Order has been challenged before this Court by way of present Criminal Revision No. 320/2004, which was rejected *vide* Order dated 21.05.2004 and the cognizance Order of the learned MM and addition of Section 419 IPC, was upheld.

22. The SLP No. 3594/2004 was filed whereby the Supreme Court *vide* its Order dated 17.02.2011, set aside the Order of the High Court and remanded it back for reconsideration of the Petition of Sh. Bachu Singh.

23. It is the third time that the condonation Application has been allowed by Ld. MM, which is under challenge.

24. The genesis of the present case lies in the search conducted on 24.11.1995 at the residence of Petitioner-Bachu Singh by CBI, in connection with RC No. 103(A)/1995-DLI. During the search, certain documents were allegedly recovered which according to the Prosecution, suggested that despite holding a government post, the Petitioner was also engaged in private business.

25. Insp. D.M. Sharma made a Complaint to Superintendent of Police, CBI, ACB on 07.05.1997 stating that during the search conducted in the premises of the Petitioner on 24.11.1995, from the documents recovered and seized from different places, it was revealed that the Petitioner had been *carrying on private business in the name and style of M/s Jitendra Builders located at premises No. F-2, Malviya Nagar, New Delhi*, since about 08



years and he is the Sole Proprietor of the Firm and was operating cash transactions, for which he opened a Current Account No.373 with Vijaya Bank, Noida Branch on 17.08.1988 in his own name, which was supported by the documents, i.e. Bank Account. It was also learned that he had opened a fictitious Savings Bank Account No. 3860 with the same bank on 05.01.1991, in the fake and false name of Jitender Singh, who had been introduced by him as being holder of Current Account No. 373 of his Firm. On this Complaint, Preliminary Enquiry bearing PE No. PE-21(A)/1996/DLI was registered on 23.12.1996 for the offence under Section 168 IPC, for the alleged misconduct of the Petitioner.

26. Thereafter, permission under Section 155(2) Cr.P.C. was granted by the learned MM on 29.07.1997, for investigations under S.155(2).Cr.P.C., as it was a non-cognizable offence. During the PE, investigation was conducted and several witnesses were examined under Section 108 Cr.P.C. Thereafter, **RC No. 46(A)/97-DLI** was registered, on 24.11.1997. On completion of investigations, the Chargesheet was filed under Section 168 IPC, on 28.07.1998.

27. The Chargesheet was annexed with the Application for condonation of delay which was allowed, but was again remanded back by this Court to the learned MM for re-consideration, who *vide* the impugned Order dated 12.04.2004, has condoned the delay and taken cognizance for the offence under Sections 168/419 IPC.

28. The *first aspect* of significance is that the initial PE was recorded under *Section 168 IPC*, which is punishable with the sentence of *imprisonment for a term which may extend to one-year or with fine or with*



both. According to **Section 468 IPC**, the period of limitation for taking cognizance for an offence punishable with one-year and/or fine, has been prescribed *as not exceeding one-year.*

29. The **date of commencement of the period of limitation is defined under Section 469 CrPC as:**

(i) the date of offence; or

*(ii) where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, **the first day on which the offence comes to the knowledge of such person or to the Police Officer, whichever is earlier;** or*

(iii) where it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence.

30. It is, therefore, evident that the period of limitation is to commence from the date of knowledge of the police officer.

31. The first fact which emerges is that the raid was conducted on **24.11.1995** and the documents were seized. It has been vaguely stated that further documents were collected from various places and that more documents were collected from the bank on **01.02.1996**. On the basis of these documents, it was revealed that there was an offence under Section 168 IPC made out against the Petitioner and the PE was registered on 23.12.1996 under Section 168 IPC.

32. From these averments made by the CBI, the first glaring fact which emerges is that the raid was conducted on 24.11.1995 and the documents were seized reflecting that the Petitioner was running a sole proprietorship



business, in the name and style of M/s Jitendra Builders. The date of knowledge of the alleged offence thus, date back to 24.11.1995 or at best, **01.02.1996, when the documents were collected from the Bank.**

33. The claim of the CBI that subsequently the Preliminary Enquiry was conducted in which statements of the witnesses were recorded and the offence was *prima facie* made out, is not tenable as the documents disclosing the alleged commission of offence relate back to 24.11.1995. The commencement of the period of limitation, therefore, commences from 24.11.1995 or **01.02.1996**, and not from the date of registration of the present RC on 24.11.1997.

34. The present Chargesheet in this RC has been filed in the Court on 28.07.1998, i.e. after a period of about 03 years, which is blatantly barred by limitation.

35. The grounds stated by CBI for condonation of delay was that these documents had been seized in RC No. 103(A)/1995-DLI and the documents were not made available for investigation. Thereafter, with the permission of the learned Special Judge, inspection of the documents/taking of photograph by the expert in the Court premises was allowed, after which the examination of the questioned documents was undertaken.

36. The documents were inspected and necessary photographs taken by the Expert, for the comparison with the admitted hand writing. The opinion of the Handwriting Expert was received on 26.03.1998, but the admitted documents could be returned only on 20.07.1998. The Chargesheet could not be filed earlier for want of CFSL Report, even though the investigation was complete.



37. This ground agitated by CBI again does not appeal to reason. The Expert's Report was only a corroborative piece of evidence, which could have very well been filed along with the Supplementary Chargesheet. *Prima facie*, the offence of doing a business was disclosed from the seizure of the documents itself. Therefore, to claim that the delay was on account of the time taken by FSL in giving this Report, is not tenable.

38. The *next aspect* which emerges is that the Application for condonation of delay in filing of the Chargesheet was first condoned by learned MM *vide* Order dated 27.08.2002 and the cognizance was taken for the offence under Section 168 IPC under which the Chargesheet has been filed. While the Order in condonation Application were being challenged at different levels, an Application dated 11.11.2003 was filed on behalf of CBI for the additional charge under Sections 419/420 IPC.

39. Pertinently, there was no Supplementary Chargesheet filed under these offences. The question is whether from the averments made in the Chargesheet, these additional offences under Section 419/420 IPC were made out. As per the Chargesheet, the allegations are that on investigation from the Bank, it was found that the Petitioner has his own current Account No. 373 with Vijaya Bank, Noida Branch wherein he was operating the cash transactions of his business in the name of M/s Jitendra Builders. Moreover, it was found that he had introduced one Jitender Singh on 05.01.1991, for opening of a Savings Account No.3860, and this Jitender Singh was found to be a fake name.

40. Pertinently, while there were allegations of there being a Current Account in the name of the Petitioner, in which cash transactions were being



done, there was neither any supporting evidence that for the allegations of the Petitioner doing a business as a Sole Proprietor.

41. A number of documents including Bank letterheads of M/s Jitender Builders and passbook, cheque-books of this Account were recovered during search of the residential premises of Sh. Bachu Singh Lavania, on 24.11.1995, in RC No. 103(A)/95-DLI. As per the CBI, nothing incriminating was found in this RC, which was closed. This aspect assumes significance in ascertaining the culpability of the Petitioner.

42. The *next contention* for seeking condonation was that subsequently, CBI had moved an Application on 11.11.2003, for including the offence under Section 419 IPC as some time was taken in getting the specimen hand writing and signatures. From the allegations contained in the Chargesheet, the only offence *prime facie* disclosed was under Section 168 IPC. The Prosecution-CBI subsequently in order to overcome the limitation, had moved an Application on 11.11.2003 for including the offence under Section 419 IPC, i.e. **Cheating by Personation.**

43. As discussed above, allegations made in the Chargesheet and the documents so collected, merely reflecting an offence under Section 168 IPC. It was the claim of the Prosecution that the Petitioner had introduced one Jitender Singh for opening his account in the Vijaya Bank, Noida. Merely because he introduced a person for opening his Account, cannot be termed as impersonation, when there is no evidence whatsoever, in the Charge-Sheet about the non-existence of the person by the name of Jitender Singh. Simplicitor introduction of a person for opening of an Account, cannot even *prima facie* make out a case under S.419 IPC. Moreover, the Charge Sheet



was filed after obtaining the Expert opinion, despite which there was no invocation of S.419 IPC, in the Charge-Sheet; rather delay in obtaining the Expert Report was cited as a reason for condonation of delay.

44. Significantly, the cognizance for the offence under S.168 IPC was taken on **18.08.1998**, though the Order got set aside. No grievance was made by the CBI for inclusion of S.419 IPC, till the question of condonation of Delay became contentious.

45. From the aforesaid discussion, it emerges that the Chargesheet was confined to the offence under Section 168 IPC. **The offence came to the knowledge of the Prosecution in 1995**, in the search conducted on 24.11.1995 or **01.02.1996**, but the Chargesheet was filed only on 28.07.1998, i.e. after a delay of more than 02 years. It is not a delay of 1.5 months, as was alleged by the CBI.

46. There are no cogent explanations given on behalf of the CBI for condonation of delay of more than 02 years. The Order dated 12.04.2004 of Ld. MM allowing the Condonation Application is therefore, set aside. Consequently, the Chargesheet is also quashed, as being barred by time. The Petition is, hereby **allowed**.

47. Pending Applications are disposed of, accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

FEB RUARY 24, 2026/R/N