

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: 16th July, 2010
Date of Order: 30th August, 2010

+ WP (Crl.) 368 of 2010

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30.08.2010

SIDDARTH VERMA

..... Petitioner

Through: Mr. Vishal Gosain, Adv.

versus

CBI

..... Respondent

Through: Mr Vikas Pahwa, Standing Counsel.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. Present petition has been filed by the petitioner assailing order dated 6th January, 2006 of the learned Special Judge, CBI, New Delhi, whereby an application of the petitioner for his discharge from the case was dismissed by the learned Special Judge.

2. The petitioner's father and petitioner were arrayed as accused persons in this case by CBI. The petitioner's father was arrayed as accused for possessing disproportionate assets and was charged by the trial court under Section 13(1) (e) read with Section 13(2) of the Prevention of Corruption Act,

1988, and the petitioner was charged under Section 109 of IPC read with Section 13(2) and 13 (1) (e) of Prevention of Corruption Act. During the pendency of proceedings, father of the petitioner expired on 8th August, 2005. Thus, criminal proceeding against him got abated. The petitioner then moved an application for his discharge on the ground that he could not be prosecuted under Prevention of Corruption Act in view of the fact that the public servant charged under Prevention of Corruption Act (his father) had already died. The petitioner placed reliance on the judgment of this Court in ***Kartongen Kemi Ochforvaltning AB Vs State through AB***, 2004 (1) JCC 218.

3. The learned Special Judge relying on the judgment of Supreme Court in *Wakil Yadav and Another Vs. State of Bihar*, 2001 SCC CrI. 1499 observed that abetment to an offence of corruption was itself a distinct offence for which a charge could be framed.

4. The accused/petitioner Siddharth Verma was summoned by the Court for offences under Section 13(2) and 13(1)(e) of Prevention of Corruption Act read with Section 109 of IPC. His father was found indulging into corruption and amassing wealth during the period from 23rd July, 1964 to 31st March, 2001. Accused Siddharth Verma was a student up to year 1993 and had completed his B.Sc. in the year 1993. Thereafter, he had undergone training of Commercial Pilot from 1996 to 1998. He acted as a conduit for this father

in amassing wealth by corrupt means and despite being a student, his income was shown from unknown sources. He was shown to have purchased 37.4 Bighas and 3.33 Acres of agricultural land from Sh. Shanti Swarup and Sh. Maheshwari Prasad respectively for Rs. 55,000/- and Rs. 2,24,800/- which was registered in the joint names of his mother and himself on 8th October, 1992 and 13th October, 1992 respectively. The sources for this investment, as per CBI, were his father's ill-gotten money. This accused was shown working in four companies (i.e M/s Indus Global, M/s Jubilee Enterprises Ltd., M/s Jubilee Medicare Ltd. and M/s Prasuti Construction and Investment (P) Ltd.) to show that he was earning. The investigation of CBI revealed that this income was fictitious income just to legalize the ill-gotten money of his father. Considering all aspects, the appellant was charged under Prevention of Corruption Act read with Section 109 of IPC.

5. I consider that learned Special Judge rightly dismissed the application of the petitioner for discharge. Charges were framed against two accused persons, against one for substantive offence and against other for abetment. If the main accused has died, that does not mean that substantive offence stands wiped out. The offence committed by the deceased, accused of amassing wealth through corrupt means, does not stand wiped out and the wealth still stands there in the hands of LR of the deceased/accused and the role of the petitioner of acting as a conduit for amassing wealth for his father

can be proved by CBI during trial. I, therefore, find no force in this petition.

The petition is hereby dismissed.

August 30, 2010

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SHIV NARAYAN DHINGRA, J.