IN THE COURT OF MS. HARSHITA MISHRA,
CHIEF JUDICIAL MAGISTRATE
CENTRAL DISTRICT, TIS HAZARI COURTS, DELHI

STATE VS. Sukash Chandrasekhar @ Sukesh Chandrasekhar
CT. CASE No.5409/2016
FIR NO. 100/2017
PS Subzi Mandi (Later transferred to PS Crime Branch)
Offences: Sections 170/189/507/34 IPC

HARSHITA MISHRA

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J U D G M E N T

CIS No.	:	5409/2017
CNR No.	:	DLCT02-014356-2018
Date of commission of offence	:	28.04.2017
Date of institution of the case	:	20.04.2018
Name of the complainant	:	Ms. Poonam Chaudhary, the then, Ld. Special Judge.
Name of accused and address	:	Sukash Chander Shekhar @ Sukesh, S/o Sh. Vijayan Chander Shekhar R/o H.No. 21, Bajaj Niwas, Fifth Avenues, Bhawani Nagar, Bengluru, Karnataka.
Offence charged of	:	Accused charged under section 170/189/507/IPC.
Plea of the accused	:	Pleaded not guilty
Final order	:	Convicted.
Date on which matter reserved for judgment	:	17.08.2026

Date of judgment : 20.08.2026

Contents

THE EXTRAORDINARY FACTUAL MATRIX OF THE CASE....................2
THE CASE THAT STRIKES AT THE SANCTITY OF THE JUDICIAL PROCESS....................3
THE CHARGESHEET FILED & THE TRAJECTORY OF THE CASE....................6
EVIDENCE LED BY THE PROSECUTION....................7
EVIDENCE LED BY THE ACCUSED....................41
SUBMISSIONS OF LD. APP FOR THE STATE....................44
SUBMISSIONS OF LD. DEFENCE COUNSEL....................46
POINTS FOR DETERMINATION....................52
APPRECIATION OF EVIDENCE....................53
Standard of Proof and Principles Governing Appreciation of Evidence....................53
A day's delay in registration of the FIR....................56
Credibility of the Judicial Officer as a Witness of an Unusual and Extraordinary Incident....................59
Absence of Motive to Falsely Implicate the Accused....................62
Minor Discrepancies and Normal Errors of Human Memory/Discrepancy Regarding 27.04.2017-28.04.2017....................65
Whether the Absence of an Immediate Entry in the Order Sheet is Fatal?....................66
Non-availability of the mobile number and landline number of the Judicial Officer in Public Domain....................69
Non- examination of Court staff of the Judicial Officer and Non- examination of Mr. PD Balodi from the Supreme Court Registry....................72
Corroboration of complainant's testimony by the electronic evidence and the circumstantial evidence....................78
Evidentiary value of Leena Paulose's testimony and the absence of other defence witnesses....................82
The impersonation and attempt to interfere with the administration of justice and the message that Judiciary needs to send across:....................84
Investigative Lapses: Their Nature, Extent and Effect on the Prosecution Case:....................90
DIRECTIONS TO THE DELHI POLICE....................99
The un-investigated role of Ct. Manjeet and whether the Conduct of Ct. Manjeet Warrants Fresh, Independent Departmental Scrutiny....................102
DIRECTIONS TO THE DELHI POLICE....................108
FINDINGS ON THE CHARGES FRAMED AGAINST THE ACCUSED....................109

JUDGMENT

THE EXTRAORDINARY FACTUAL MATRIX OF THE CASE

1. There are cases which test the law. There are cases which test the evidence. And then there are cases which test the limits of human audacity and mendacity. The present case belongs, rather unfortunately, to the last category as it presents a particularly disturbing instance of an alleged attempt to interfere with the administration of justice by approaching a Judicial Officer through an extraordinary and wholly impermissible method.

2. The prosecution case is that the accused Sukash Chandrasekhar @ Sukesh Chandrasekhar, while in police custody in connection with a corruption case (FIR No. 56/2017, PS Crime Branch), obtained access to the mobile phone of Ct. Manjeet, a police official in whose custody he was, and used the said mobile phone to contact the official landline and mobile number of Ms. Poonam Chaudhary, Special Judge-07 (PC Act cases, ACB), who was seized of the corruption case against him.

3. The accused Sukesh allegedly impersonated first as a Private Secretary of a then sitting Judge of the Supreme Court of India and later as the Judge himself. He then sought to persuade the Judicial Officer to grant bail to the accused at the earliest. The impersonator did not allegedly present himself as an ordinary citizen. He borrowed the highest judicial authority in the land. The purpose was apparently to create an aura of unquestionable command, where he was not merely asking a Judicial Officer to

grant bail to the accused but was using the authority of a Judge of the Highest Court of the Land, to browbeat the Judicial Officer. He allegedly threatened her with adverse professional ramifications if the indulgence of bail was not extended to the accused.

THE CASE THAT STRIKES AT THE SANCTITY OF THE JUDICIAL PROCESS

4. This case is thus, qualitatively different from an ordinary case of cheating or impersonation. The allegation, if proved, is not merely an allegation of an improper telephone call made to an individual Judicial Officer. It represents an alleged attempt to strike at the very foundation upon which the judicial process rests—namely, the independence of the Judiciary, the sanctity of judicial proceedings and the assurance that cases are decided only upon the basis of law and evidence and not upon private communications, pressure, deception or impersonation. The allegation is all the more extraordinary not merely because the accused allegedly sought to influence the outcome of judicial proceedings, but because the chosen method was to impersonate a Judge of the Supreme Court of India and, under that assumed identity, attempt to influence a Judicial Officer in favour of the accused.

5. The audacity of the act is matched only by its utter contempt for the institution which the accused sought to manipulate. It is difficult to imagine a more grotesque inversion of the judicial process, which rests upon a simple proposition—that no individual, however powerful, wealthy, influential or resourceful, can privately

command a Judge to decide a matter in a particular manner. Orders are passed in courtrooms, not dictated over clandestine telephone calls. Judicial discretion is exercised on the basis of the judicial record, not on the basis of the caller's designation.

6. This world has seen many a 'inglorious çonmen' and 'Natwar Lals', who have deceived businessmen, companies, gullible investors or unsuspecting members of the public. But the kind of deception practised by Sukesh, the conman standing before this Court in this case with the intention of altering the course of judicial proceedings, lends the mischief an altogether different and extremely egregious character.

7. There is, perhaps, a certain comic absurdity in the entire enterprise too. In the colorful, crowded pantheon of crimes based on deception, there exists a delicate line between criminal cunning and sheer delusion. The accused Sukesh has spent years attempting to blur that line into an art form. However, in this most absurd theatrical production of his— where he impersonated a sitting Judge of the Hon'ble Supreme Court of India to manipulate an ongoing proceeding—he did not merely cross the line; he leapt over it into the realm of fatal institutional overreach.

8. There is an old adage that a con man's deadliest enemy is not the police, but his own untamed ego. Having spent a career spoofing caller IDs, impersonating Union Ministers, and convincing gullible millionaires that he held the keys to the corridors of power, accused Sukesh appears to have fallen victim to his own propaganda. He operated under the dangerous belief that if a lie is only grand

enough and uttered with sufficient audacity, the rule of law will simply bow its head and step aside. He forgot that impersonating a bureaucrat or a political broker is a transactional crime born of greed but impersonating a Supreme Court Judge or his Secretary, is an act of institutional defiance.

9. The accused Sukesh erroneously believed that the robes of the highest constitutional court could be hijacked through a spoofed call, quick voice modulations and a polished voice. He assumed the judiciary would respond with the same quiet compliance as his other corporate targets. What Sukesh failed to calculate in his risk assessment is that the judiciary does not negotiate its authority with shadow callers. In attempting to flex non-existent judicial muscles from behind a phone screen, he overplayed his hand so completely that he collapsed his own house of cards.

10. A conman's downfall is rarely subtle when built on such bloated arrogance. Sukesh's belief that he could manipulate judicial outcomes through sheer trickery reflects a profound misunderstanding of the constitutional machinery. He played his final, most absurd card—and in doing so, he ensured that the very system he sought to mock would respond not with panic, but with the unyielding, methodical weight of penal law. He probably didn't anticipate that the Judicial Officer may actually register a complaint, since he had assumed the identity of a Supreme Court Judge, while calling her.

11. Much to his dismay and consternation, the Judicial Officer acted with commendable swiftness and a heightened sense of

institutional responsibility, taking proactive steps to register the complaint and set the law into motion without delay.

12. A thorough investigation was warranted in this case as the enormity of the allegations lay not in whether the Judicial Officer was momentarily unnerved or impressed, but in the audacity of the person who believed that the authority of the Supreme Court could be reduced to an impersonated voice on a telephone. A thorough and prompt investigation was also needed as the danger was not confined to the particular case. It would have wider ramifications on judicial independence and public trust in the institutional functioning. If such conduct of conmen such as Sukesh were to succeed, every pending proceeding could potentially become vulnerable to an invisible parallel judicial system—one operating not in courtrooms, but through telephones; not through judgments, but through instructions; not through evidence, but through impersonation. That would be an extraordinary proposition indeed: the creation of a parallel judiciary by fraud. The Court and the Police cannot permit such a proposition even to acquire a foothold.

THE CHARGESHEET FILED & THE TRAJECTORY OF THE CASE

13. Acting on this complaint filed on 29.04.2017, the FIR was registered at PS Subzi Mandi on 29.04.2017 itself. **Chargesheet in the present case was filed by IO SI Mandeep Sangwan on 20.04.2018, against accused Sukesh Chandrasekhar. The cognizance**

was taken by the Ld. Predecessor on 20.04.2018 itself. Copy of chargesheet was supplied to the accused on 04.05.2018.

14. Charge under Section 170/189/507 IPC was framed on 14.12.2018, to which the accused pleaded not guilty and claimed trial.

15. Recording of the prosecution evidence went on from 02.02.2019 till 09.04.2026. The prosecution examined 16 witnesses, whose testimonies shall be reproduced later. The recording of prosecution evidence was closed on 09.04.2026.

16. Matter was then listed for recording of statement of the accused, which came to be recorded on 17.04.2026. The accused refuted all allegations against him and challenged the evidence that had come on record against him. He chose to lead Defence Evidence. He examined his wife Leena Paulose, who was also in custody in Mandoli Jail, in another case, where accused Sukesh was also a co-accused. The accused sought to examine two other witnesses as well namely Gopi and Manoharan. However, the witness Gopi had committed suicide and the other witness Manoharan was not traceable. Hence, the right of the accused to lead Defence Evidence was finally closed vide order dated 10.08.2026.

17. Final arguments were heard at length (for almost two hours) on 17.08.2026. Ld. Counsel for the accused had filed a 34 page note as his written submissions.

EVIDENCE LED BY THE PROSECUTION

18. Having discussed the procedural trajectory of the trial and the foundational framework of the prosecution's case, the Court now turns to reproduce the heart of the matter—the oral and documentary evidence brought forth by the State to substantiate the charges against the accused.

19. In a criminal prosecution, the journey from suspicion to proof is bridged solely by credible, cogent, and unimpeachable evidence. It is not the mere quantity of witnesses lined up at the witness stand, but the intrinsic worth and quality of their testimony that illuminates the path to truth. Hence, the Court shall subsequently proceed to systematically analyse and weigh each strand of evidence, sifting the wheat from the chaff, to determine whether the prosecution has succeeded in building an unbroken chain of proof that establishes the guilt of the accused beyond the shadow of a reasonable doubt.

20. Reproduced herein under are the testimonies of the prosecution witnesses: -

    i. **PW1 Sh. Surender Kumar Arora, retired Sr. AO, (Judicial), Tis Hazari Courts, Delhi** deposed that he didn't remember the exact date when the police officials had come to make inquiries from him about calls received on the telephone number 011-23982419, installed in the Judicial Branch of the Tis Hazari Court Complex. He stated that the police official had inquired whether any call received on that number could be transferred to the Chamber of any Judicial Officer and he had answered in the negative. He also stated that the phone number had been installed to facilitate the Judicial Officers in their functioning. He stated that this number was also mentioned in the official directory. In his cross- examination, he stated that the IO had not seized any call details with respect to the present case from the Judicial Branch in his presence.

ii. **PW2 Ms. Neetu Dixit, Employee at Tis Hazari Court Complex, Delhi,** stated that she had been posted at the Telephone Exchange, Tis Hazari Court Complex, as a Junior Judicial Assistant, since the year 2017. She stated that whenever a call from outside was received, for any Branch, she would transfer the same to the concerned Branch, without seeking any further confirmation. She added that when a call was received from outside for any Judicial Officer, she would first confirm with the Chamber of the said Judicial Officer. Only once an affirmative response was received, would she transfer the call to the Chamber of the Judicial Officer. She stated that in the year 2017, when a call had been received from the Hon'ble High Court of Delhi, the same was transferred to Ms. Poonam Chaudhary, the then Ld. Additional District & Sessions Judge. She added that she had sought permission from the judge and only then transferred the call to her. She added that the caller hadn't disclosed his identity to her. In her cross- examination, she stated that no call details regarding the present case were ever seized by the police officials from her Branch in her presence.

iii. **PW3 Sh. Om Prakash, Ahlmad in the Court of Ms. Kiran Bansal, Ld. Special Judge, PC Act (ACB-01), RADC, New Delhi,** deposed that he had not brought the case file of FIR No. 56/2017, PS Crime Branch, as the said case had subsequently been transferred to the Court of Sh. Ajay Kumar Kuhar, Ld. Special Judge, PC Act, CBI-09, RADC, New Delhi. He was not cross- examined by the accused/ his counsel.

iv. **PW4 ASI Rajender Singh** deposed that on 01.05.2017, he was posted at PS Subzi Mandi as a Duty Officer from 4.00 PM till midnight. He added that at about 9.25 PM, he had received a *rukka* from Inspector Ranbir Singh, SHO PS Subzi Mandi. Based on the same, he had registered the present FIR. He added that the computerized copy of the said FIR was handed over to SI Sanjay, In-charge, Police Post, Tis Hazari. He brought the original FIR, the copy of which was marked Ex.PW4/A and his endorsement on the *rukka* was marked Ex. PW4/B. He deposed that the FIR was registered in the computer in the regular course of his duty and that there was no breakdown in the system during the period of registration of FIR and taking the print out. The certificate u/s 65(B) of Indian Evidence Act was marked Ex. PW4/C. He was not cross- examined by the accused/ his counsel.

v. **PW5 HC Manjeet** deposed that on 28.04.2017, he was posted at PS Crime Branch, Chanakyapuri. He added that on that day, he was present at his office and was using Mobile No. 9996436762. He added that the SIM card for the said number had been given to him by his cousin namely Subhash Rathi, who had gotten the same issued in his name. He further stated that he used this mobile number to recover dump data. He added that on 28.04.2017, the accused Sukesh was brought to P.S. Crime Branch, Chanakyapuri, in connection with FIR No. 56/2017. The witness stated that on that day, accused Sukesh was on police remand and was in his custody. HC Anup was also on duty with him. He added that he had put his mobile phone on charging and at about 1:30 PM, he saw accused Sukesh using his mobile phone. He added that he saw the accused Sukesh talking with someone on his phone, so he took his mobile phone from Sukesh and asked him as to whom he had been talking to. The witness added that the accused Sukesh told him that he had been talking to his wife. PW Manjeet also stated that the accused had to be produced in Court on the same day and hence, he was in a hurry to produce him. The witness added that he left the phone in office in a hurry. He also added that later, he did not find his mobile phone. The witness deposed that it was only later that he came to know that his mobile phone had been misused by the accused Sukesh to call a Judicial Officer. He stated that his statement was recorded by the Investigating Officer later. In his cross- examination, he stated that the accused Sukesh had been arrested by the Crime Team, PS Crime Branch, Chanakyapuri. He also added that on a daily basis, there are about 100 police personnel who are working at Crime Branch Office. He added that around 7-8 Delhi Police Officials used to be stationed there at all times in the office of Crime Branch. He didn't remember the exact date since when the accused Sukesh had been in police remand before 28.04.2017. He added that there was no lockup in the office of Crime Branch and that the accused was kept in a room in the Crime Branch Office, where other police personnel were also present. He added that he did not cross-check the number on which the accused had made a call from his phone. He admitted that he did not make any complaint to any senior police officer or to the DCP (Crime Branch) about the alleged misuse of his mobile by the accused. When asked whether any departmental enquiry was initiated against him for the alleged misuse of the above-stated SIM Number, he answered in the affirmative and stated that he had been censured by the Delhi Police Department. He stated that he had not given any statement in relation to the misuse of the above-said SIM Number from 28.04.2017 to 06.09.2017 before any authority or any investigating agency. He admitted that whenever an accused is in police remand, some police official is bound to remain present around him. He denied the suggestion that he had made a false statement regarding the accused having made a call from his mobile on 28.04.2017. He also refuted the suggestion that it was impossible for the accused to use the mobile phone due to presence of other police officials. He admitted that the IO neither seized his mobile phone during investigation nor did he ask him about the CDR of his mobile phone. He added that the IO didn't get his CDR verified from him during investigation. He added that he had come to his office at PS Crime Branch, Chanakyapuri at about 9:00 AM on 28.04.2017 and that the accused Sukesh was in his custody. Even Ct. Anup was on duty with him and was keeping a watch on the accused. He stated that prior to 1:30 PM, the accused did not make any call from the above-said SIM Number. He later qualified it with the words 'As per my observation'. He added that if the accused would have made any call prior to 1:30 PM from his mobile phone, he would have apprehended the accused immediately. He denied the suggestion that even prior to 1:30 PM, several calls were made from the aforesaid SIM Number (9996436762) to the following numbers: 011-23982149 and 011-23950919, as reflected in the CDR. He denied the suggestion that the calls were being made since morning by some other person and not the accused. He also refuted the suggestion that the accused Sukesh has been wrongly framed in the present matter for some ulterior motive. He added that the accused Sukesh was produced before the Court at Tis Hazari on 28.04.2017 and on the said date, neither the witness nor any other official from the Police team, had made any enquiry from the concerned Ld. Presiding Judge about the alleged calls. The witness expressed ignorance about any enquiries being made by the IO about the landline number on which the calls were made. He added that on 28.04.2017, the accused was sent to judicial custody. He added that he didn't know whether the IO had taken any voice sample of the accused or not. He also added that he didn't remember whether any CCTV cameras were installed in the Crime Branch Office. He denied the suggestion that he was deliberately making a false statement in this regard and that CCTV cameras were installed within the office complex of the Crime Branch to monitor the movements of the arrestees, who used to be brought there during police remand. He also refuted the suggestion that it was factually impossible for the accused to make any call while being in police custody and that he had deliberately concocted a story that his mobile phone had been misused by the accused, when it was kept for recharging. He denied the suggestion that no such charging instrument or mobile phone had ever been seized in the present case as no such incident had ever taken place. He denied the suggestion that he had deposed falsely.

vi. **PW6 ASI Gulab Singh** deposed that on 22.02.2018, he was posted at Interstate Cell, Crime Branch Chanakyapuri. He alongwith IO/SI Vishal Chaudhary had gone to Tihar Jail No.1 and interrogated the accused Sukesh. After interrogation, IO had formally arrested the accused Sukesh at about 3.00 p.m. vide arrest memo Ex.PW6/A bearing his signature at point A. Thereafter, disclosure statement was recorded vide memo

Ex.PW6/B bearing his signature at point A. Interrogation memo was also prepared over there which was Ex.PW6/C. he correctly identified the accused in court.

vii. **PW7 SI Dharmender Kumar** stated on 15.03.2018, he was posted at ISC/Crime Branch, Chanakyapuri and on that day, he alongwith the IO had gone to Tihar Jail No. 1. He added that at Tihar Jail, the IO had interrogated the accused Sukesh in his presence. He added that the IO had then recorded his statement. In his cross- examination, he stated that he never joined the investigation of the present case.

viii. **PW8 Sh. Subhash Rathi** deposed that Ct. Manjeet, from Delhi Police was his cousin. He added that in 2017, Ct. Manjeet was posted at PS Crime Branch, Chanakyapuri. He added that he had purchased an Airtel SIM by giving his own documents. The mobile number of the said SIM ended with '6762'. He added that in April, 2017, he had handed over the said SIM card to Ct. Manjeet for using the same. When the witness has shown a Customer Application Form of Airtel Company, he correctly identified his photographs thereon and acknowledged his name thereon. The same was marked as Ex. PW8/A. He was not initially cross- examined by the accused/ his counsel. Later however, he was recalled for cross- examination by the Ld. Counsel for the accused on 09.04.2026. At that stage, the witness stated that Ct. Manjeet was his first cousin and that Ct. Manjeet had asked him to purchase a SIM Card in the month of April, 2017. He added that acting on instructions of Ct.

Manjeet, he had purchased the said SIM card on 03.04.2017 from Sonipat. He didn’t remember the name of the shop from where he had purchased the said SIM of Airtel company. He also couldn’t recall the amount he had paid to the vendor for purchase of the SIM card. He stated that it was a pre-paid SIM card. He didn’t remember having received any confirmation call from Airtel company before the activation of the said SIM card. He also didn’t recall the alternate number which he had provided to the seller at the time of purchase of the SIM card in question. He also didn’t remember the time, when he went to the said shop for the purpose of purchasing the SIM. He also didn’t recall where Ct. Manjeet met him on 03.04.2017 for taking the SIM. He stated that he hadn’t enquired from Ct. Manjeet as to why he wanted a new SIM in his name and not his own name. He added that before 03.04.2017, Ct. Manjeet was using his own mobile number. He however, didn’t recall the other number. He didn’t remember which document he had provided to the seller at the time of purchase of the SIM card in question. He stated that he didn’t remember whether he had filled up any form at the time of applying for the new SIM card. He did not remember whether he had signed any document at the time of purchasing of said SIM. He also didn’t recall whether he had signed any such document or taken any receipt for the amount paid by him for the SIM. He also didn’t remember whether he had gotten activated any plan on the said SIM. He also didn’t remember whether his complete residential was mentioned in the CAF form. He added that he had been called by the IO to join the investigation in the case, a few days after he purchased the SIM. He couldn't recall the specific time when he had been called by the IO. He also didn't remember when the IO had recorded his statement and whether at that time, Ct. Manjeet was present there or not. He stated that he had read his statement and signed the same. He didn't remember whether the said statement was typed or hand-written. When he was confronted with his statement, it didn't contain any signature of his. He stated that he didn't remember whether Ct. Manjeet had called him after 03.04.2017 from the new SIM. He added that Ct. Manjeet had called him after 03.04.2017 from his other number but at that time, the latter had not discussed anything regarding the SIM card. He stated that he didn't remember whether prior to his joining the investigation, Ct. Manjeet had met him and discussed anything about the present case. He didn't remember meeting Ct. Manjeet at PS Crime Branch, Chanakyapuri, prior to his statement being recorded by the IO. He stated that the document Ex. PW15/A bore his correct address. He didn't remember whether the summons were served upon him by Ct. Manjeet or somebody else. He added that only when he received summons from the IO, didn't he come to know about the alleged misuse of the SIM card in question. He didn't remember whether he had been jointly examined with Ct. Manjeet or whether they had been confronted with each other by the IO. He stated that he had never recharged the SIM card in question. He denied the suggestion that he had never visited any shop for the purpose of issuance of the SIM in question or that he had never provided any document which was mandatory for issuance of SIM. He refuted the suggestion that the form did not have any documents as he had never provided the same. He also denied the suggestion that to save his cousin brother Ct. Manjeet from criminal proceedings, he along with Ct. Manjeet developed this story of purchasing the SIM and handing over the same to him. He also denied the suggestion that he was deposing falsely and that he had never joined the investigation of the case. He denied the suggestion that he was deposing falsely.

ix. **PW9 Sh. Vinod Kumar, SDO, MTNL, THC, Telephone Exchange, New Delhi,** identified the certified copy of the record of MTNL Phone no. 23950919. He also brought the CSMS (Customer Service Management System) record of the said number which was Ex. PW9/B. He was not cross-examined by the counsel for accused.

x. **PW10 HC Brijesh Kumar** brought the original summoned record of proceedings against Ct. Manjeet, vide which he had been censured by Delhi Police. He produced the original censure recording dt. 21.10.17, which was Ex. PW10/A (colly) (OSR). In his cross- examination, he stated that earlier he was posted at ISC, Crime Branch, Chanakyapuri as Head Constable. He deposed that the documents Ex. PW10/A were handed over to him by HC Sudhir. Later, he corrected himself and stated that it had been handed over to him by HC Vikas. He stated that he had produced the charge of relinquishment; charge taking over order; photocopy of show cause notice and copy of censure. He admitted that neither of these documents were prepared in his presence and that he had no knowledge regarding the implementation of above referred orders. He added that he had not met Ct. Manjeet prior to his deposition in court in the present matter. He admitted that these documents were not prepared in his presence.

xi. **PW Smt. Poonam Choudhary** deposed that during the period of April, 2017, she was posted as Special Judge, PC Act, ACB, 07, Central, Tis Hazari Court and the copy of her transfer posting issued by Hon'ble High Court of Delhi dated 12.01.2015 is on judicial record. She further deposed that during the said posting, she was holding her Court in Court No. 25, THC, Delhi. She deposed that the incident in question is of 27.04.2017. She deposed that during the said time period, case FIR No.56/2017 was registered at ISC, Crime Branch, Delhi, u/s. 8 of Prevention of Corruption Act and Sec.170/120-B IPC, against the accused Sukesh Chandrasekhar. She further deposed that on the said date, when she had retired to her chamber, at around 1.10 PM to 01.15 PM, a call was forwarded to her landline installed in her Chamber. She deposed that when she picked up the said call, the caller told her that he was the Personal Secretary (PS) to Hon'ble Mr.

"KJ", Judge, Hon'ble Supreme Court of India and that the said Judge wanted to talk to her. Thereafter, another person came up on the call and introduced himself as Hon'ble Mr. Justice 'KJ'of Hon'ble Supreme Court of India. The caller told her that he was calling on behalf of Home Ministry and Collegium of Hon'ble Supreme Court. The caller also told her there was a matter coming up in her court on that day, post lunch. She further deposed that the caller directed her to release the accused Sukesh on bail/interim bail immediately and if she did not do so, she would have to face serious professional repercussions. She deposed that the said caller also gave her another mobile number (9996436762) and told her that the number belongs to his PS Hanumant Prasad and that she should immediately contact him on the said number. She further deposed that the caller also stated that he had gone through the FIR of that case and there was no substance in the said FIR. The witness deposed that the caller told her that accused Sukesh should be released on bail on that day itself. Thereafter, the caller disconnected the call. She further deposed that she then noticed that there were several other missed calls on her mobile number (9910384755) from the above said mobile number (9996436762). She further deposed that she did not respond to any of the said missed calls and also did not call back on the said number. She further deposed that upon being alarmed by the state of affairs she immediately called on the PBX of Hon'ble Supreme court and requested them to connect her to the PS of Hon'ble Mr. Justice 'KJ'. She further deposed that she narrated the entire incident to Mr. P.D. Balodi, the then PS to Hon'ble Mr. Justice 'KJ', who disclosed that there was no PS by the name Hanumant Prasad in the office Hon'ble Mr. Justice 'KJ' and that the call was a hoax one. She deposed that Mr. P.D. Balodi also clarified that no such call was made from the office of Hon'ble Mr. Justice 'KJ'. She further deposed that it was then absolutely clear to her that an attempt was being made by some unscrupulous persons to overawe and intimidate her so that she granted bail to accused Sukesh. She stated that she realized that some imposter had impersonated as Hon'ble Judge of Supreme Court of India. She deposed that she gave a complaint in this regard to Ld. Chief Metropolitan Magistrate, Central, Tis Hazari Court, Delhi with a request to get the matter thoroughly investigated. She further deposed that she remained posted as Special Judge, PC Act till 06.11.2017 and the copy of the said transfer order was on judicial record. She correctly identified the accused Sukesh in the court. She stated in unequivocal terms that the accused was the same person who was produced before her during the proceedings of case FIR no.56/2017 registered at Interstate Cell, Crime Branch, Delhi police. In her cross- examination, she stated that she didn't remember the exact date when FIR No. 56/2017, PS Crime Branch first came up before her. She added that it came up before her for the first time in April, 2017. She stated that she didn't remember the exact date when the accused was first produced before her. She however, added that he was first produced at her residence by the IO of FIR No. 56/2017, PS Crime Branch. She added that the IO had moved an application before her seeking remand of the accused. She however, didn't remember the nature of remand which was sought by the IO initially. She admitted that it was the right of the accused to oppose any application moved by the IO seeking judicial remand or police remand. She stated that the accused was represented by a counsel when he was first produced before her in FIR No. 56/2017, PS Crime Branch. However, when she was shown the order-sheet drawn up, on 17.04.2017, vide which the accused Sukesh Chander Shekhar was remanded to police custody in FIR No. 56/17, PS Crime Branch, there was no mention of any counsel for the accused. She categorically stated that the accused was heard before remanding him. She denied the suggestion that the accused was not given a fair opportunity of being heard on 17.04.17 and he was deliberately denied legal aid. She didn't remember the number of times the accused was produced before her court from 17.04.17 till 28.04.2017. She also didn't recall the number of applications filed on behalf of the accused or the number of applications pending till the filing of the present complaint. She stated that all applications filed by the accused in FIR No. 56/2017, PS Crime Branch must have been heard by her court.

She stated that she had mentioned in her complaint that the the accused Sukesh had moved an application before her court and that she had received the alleged call regarding the same. She stated that the caller had told her that on that day at 2:00 PM, a bail matter would come up before her and accused Sukesh, should be let off on bail. She stated that a Court cannot grant bail in a non-bailable offence without a bail application being filed on behalf of the accused. She denied the suggestion that the accused had not filed any bail application since his production before her court till 29.04.2017. She didn't remember whether she had mentioned in the order-sheet dt. 28.04.17 regarding pendency of any bail application filed on behalf of accused Sukesh in FIR No. 56/2017, PS Crime Branch. She stated that she had not mentioned in the order-sheet regarding the call received by her earlier in the day on 28.04.2017. She stated that on 28.04.2017, she started her court proceedings at around 10:00 AM in the pre-lunch session and again at around 02:15 PM in the post-lunch session. She stated that the accused was produced before her court in the post-lunch session. She stated that she hadn't made any enquiry from the IO at the time of production of accused Sukesh Chander Shekhar if accused was carrying a mobile phone with him or not on 28.04.2017. She stated that on 28.04.2017, she had not made any complaint to the Ld. District and Sessions Judge, or any higher authorities regarding the call received. She stated that she had lodged a complaint on 29.04.2017 with Ld. District and Sessions Judge

(Headquarters), Ld. Registrar General, High Court of Delhi, and to the office of Ld. Chief Metropolitan Magistrate, Central, THC, Delhi. She stated that she had not given the copy of the complaint made to the higher authorities to the IO of the present case. She stated that prior to 10:00 AM, she had not received any call regarding the alleged incident on 28.04.2017. She stated that she had received the call at around 01:15 PM on 28.04.2017. She stated that many times calls on the official landline went unattended as the ringing sound is not audible while court proceedings are on. Many times, before the staff goes to attend the call, the call is disconnected. She denied having answered any landline call on 28.04.2017 at about 10:06 AM which had lasted for 228 seconds. She also denied that any of her staff members had informed her about a call on her landline number earlier in the day. She stated that the IO had not enquired from her about the calls received by her on her mobile phone and the official landline number on 28.04.2017. She stated that the IO had only collected the call details from the concerned service provider regarding her mobile number. She stated that no permission is required before forwarding the call to the Chamber of the concerned Judicial Officer. She didn't remember the number of missed calls that were received on her mobile from 01:10 PM till 02:15 PM on 28.04.2017. She stated that she hadn't responded to the missed calls. She was confronted with CDR, which was Mark D-1, which showed conversation with the said number thrice (at 13:08:14 hours for 21 seconds, 13:10:53 pm for 12 seconds and 13.38:56 hours for 64 seconds) on 28.04.2017. She stated that she had called the office of Hon'ble Mr. Justice 'KJ', Judge, Supreme Court of India (through EPBX of Tis Hazari Court). She contacted PS of Hon'ble Mr. Justice 'KJ', Judge Supreme Court of India on 28.04.2017. She stated that after having confirmed from the PS of Hon'ble Mr. Justice 'KJ' that no such call was made from his office, she didn't make any complaint to the Ld. District and Sessions Judge immediately on 28.04.2017. She stated that she filed the complaint on 29.04.2017. She stated that none of the police official producing accused Sukesh told her that accused Sukesh had been using prohibited articles in custody or that he had used mobile phone during his production before the court. She didn't remember how many times did she make calls on 9996436762 from her mobile number. She stated that she may have made a call to the said number as she had been told that this number belonged to the PS to Hon'ble Mr. Justice 'KJ', Judge, Supreme Court of India. She stated that she had not recorded the call. She added that her staff had not informed her that a call was constantly coming on the official landline phone in her chamber. She stated that maybe her staff did not hear the rings. She deposed that except on 28.04.2017, she had never called the number 9996436762. She stated that she had not given any reason for the 01- day long delay in reporting the matter. She didn't remember when the accused

Sukesh was produced before her. She stated that she had not asked the IO of FIR No. 56/2017, PS Crime Branch, whether accused Sukesh had made any calls during the period of his custody or his production. She stated that accused Sukesh was produced before her when the calls in question were received by her. She denied the suggestion that she had never received any such calls as alleged in her complainant or judicial deposition. She denied the suggestion that she had filed a false complaint against accused Sukesh, at the behest of the police officials, who wanted to book accused Sukesh in a MCOCA case. She admitted that she was not familiar with Sukesh's voice. She stated that after being informed that the calls were fake, she had not called back on the said mobile number to do any voice recording. She stated that the accused Sukesh was produced before her after she had received the said calls. She stated that she didn't make any calls to the police regarding the hoax calls and had only filed the written complaint which is Ex. PW11/B. She stated that her mobile number 9910384755 was not in public domain. She stated that she couldn't say anything about the calls received/ made at around 10:05:22 AM. She stated that she had herself received the calls at around 1:10-1:15 PM. She stated that she had asked the PBX of the Tis Hazari court to make the call to PBX of Supreme Court and connect her to the PS of Hon'ble Mr. Justice 'KJ', Judge, Supreme Court of India. She said that she made this call to clarify whether his Lordship had actually made the calls. She denied the suggestion that she had made no such call to the Supreme Court and hence, she was unable to tell the time and details of the said call. She denied the suggestion that there was no application for interim or regular bail, filed on behalf of the accused Sukesh on 28.04.2017. She also denied the suggestion that accused Sukesh had not called her at the relevant time as there was no bail application pending. She also denied the suggestion that she had not given a fair opportunity to the accused to oppose the application for remand filed by the police or that she was influenced by the police officials. She denied the suggestion that she was deposing falsely.

xii. **PW12 ACP Ranbir Singh** deposed that on 01.05.2017, he was posted at PS Subzi Mandi as SHO and on that day, a complaint was forwarded to him by the then Chief Metropolitan Magistrate, Central, Delhi. The said complaint was given by Ms. Poonam Chaudhary, the then Ld. Special Judge-07, PC Act, cases of ACB, GNCTD, Central District, THC, Delhi. He stated that after perusing the said complaint, he had prepared a *rukka* and forwarded the same for registration of FIR. The said *rukka* is Ex. PW12/A. He stated that the FIR was marked to SI Sanjay Kumar for further investigation. Later, the case was transferred to Crime Branch on 14.05.2017. In his cross-examination, he stated that he didn't remember the time of having received the complaint from the Ld. Judge. He stated that he had forwarded the *rukka* at about 9:25 PM. He didn't remember the exact date when he forwarded the copy of the FIR in the present case to the jurisdictional Magistrate. He stated that as a matter of practice, intimation is sent to the jurisdictional magistrate the next day after registration of the FIR. He stated that he had personally not met the complainant till the time the investigation in the FIR remained at PS Subzi Mandi. He stated that the IO concerned had not shown him any CDR till the time the FIR remained at PS Subzi Mandi. He stated that the IO had informed him about the status of the first case diary prepared by him. He didn't remember whether the IO had discussed anything about recording of statement of the complainant. He stated that he didn't remember if the Crime Branch officials made any enquiry from him regarding the present FIR. He added that he had personally not verified the contents of the complaint received on 01.05.2017 as the complaint was forwarded by the then Ld. CMM. He denied the suggestion that he had deliberately not verified the facts of the complaint received on 01.05.2017. He admitted that there were no express directions in the forwarded complaint to register a FIR. He added that it was mentioned in the complaint that further action be taken. He denied the suggestion that the words 'necessary action' meant to 'verify the contents of complaint' and not to mechanically register a FIR. He also denied the suggestion that he deliberately did not verify the facts of the present complaint and that he registered the FIR under judicial pressure. He denied the suggestion that he was deposing falsely.

xiii. **PW13 Inspector Mandeep** deposed that on 19.03.2018, he was posted at PS Crime Branch as a Sub Inspector. He stated that on that day, further investigation of the present case was marked to him and hence, he collected the case file. He stated that upon perusing the same, it came to his knowledge that investigation of the case had largely been done. He added that he had collected the copy of the identity card of the complainant of Ld. Additional District and Sessions Judge Ms. Poonam Chaudhary, which is marked Ex. PW12/A. He had also collected her transfer and posting order vide the request letter marked Ex. PW12/B. The copy of the said order is Ex. PW12/C (colly.). He stated that he had also obtained the CAF details of the mobile number of Ms. Poonam Chaudhary and had also collected the subscriber details from MTNL office regarding the official landline number installed in the chamber of Ms. Poonam Chaudhary, vide notice Ex. PW12/D. He stated that upon completion of investigation, he had collected the charge-sheet and filed the same before the Hon'ble Court. In his cross- examination, he deposed that prior to 19.03.2018, the investigation of the present case was with SI Vishal. He added that he had also received the case diary prepared by SI Sanjay Kumar Gupta, the first IO and had gone through the same. He stated that there was no reason mentioned in the case diary as to why IO SI Sanjay Gupta had not done any investigation in the present case. He added that there was another case registered against accused Sukash Chander Shekhar under Prevention of Corruption Act and the said case was investigated by ISC Crime Branch. He added that it is for this reason that the present case was also transferred to ISC Crime Branch. He stated that may be for this reason, SI Sanjay Gupta had not carried out investigation in the present case. He admitted having refreshed his memory prior to deposition in court. He stated that he had prepared the charge-sheet in the present case. He stated that he didn't remember whether any witness statement had been recorded by SI Sanjay Gupta or whether any document had been seized or prepared by SI Sanjay Gupta. He didn't remember details of any investigation done by SI Sanjay Gupta. He stated that he had not collected the bail application filed by the accused before the then Ld. Special Judge in FIR no. 56/2017, PS Crime Branch, Delhi. He admitted that he had also not inspected the case file of FIR no. 56/17, PS Crime Branch for ferreting out any such bail application. He added that he had found the CDR of the number of accused only on the case file. He stated that he had not collected the CDR of the mobile number of the judicial office. He added that the entire call detail record was available in the CDR record of the number used by the accused to call the Judicial Officer. He admitted that the phone number whose CDR was available was not registered in the name of accused.

He stated that there were three calls in the CDR from around the time of incident (two were outgoing calls from the alleged number to that of the complainant and one was an incoming call from the number of the complainant to the number of accused). He denied the suggestion that there were multiple calls made by the complainant on the mobile number of the accused. He stated that he had not made any enquiry from the Judicial Officer as to why there was a call from her number to the number from which the accused had called. He added that he had not recorded the statement of any court staff of the complainant whether any of the calls were picked up by the court staff or not. He stated that he had not found any statement of any of the staff members of Hon'ble Mr. Justice 'KJ', Judge, Supreme Court of India. He added that he had also not recorded the statement of staff members including Personal Secretary of Hon'ble Mr. Justice 'KJ', Judge Supreme Court of India regarding the alleged incident. He added that there was no complaint on record by any police official regarding the accused Sukash carrying prohibited articles with him at any point of time while in custody. He didn't collect any document from the Jail regarding any punishment given to accused Sukash for keeping/ carrying any prohibited articles with him. He had also not seen any statement of any police official regarding the same. He stated that the calls made through EPABX number were transferred through extension. He denied the suggestion that he didn't conduct fair investigation in the present case and had deliberately not made any enquiries from the Office of Hon'ble Mr. Justice 'KJ', Judge, Supreme Court of India. He denied the suggestion that the Ld. Special Judge was willingly taking the calls and willingly calling back on the alleged number. He denied the suggestion that he was deposing falsely.

xiv. **PW14 Inspector Sanjay Kumar Gupta** deposed that on 01.05.2017, he was posted at PS Subzi Mandi. On that day, investigation of the present case was marked to him and hence, he had collected the case file and gone through the same. He stated that later on 14.05.17, the investigation of the present case was transferred to Crime Branch. In his cross-examination, he stated that when he was marked the investigation, the case file contained tehrir and copy of FIR. He added that the case investigation remained with him from 01.05.2017 till 14.05.2017. He added that he had not gotten the case diary prepared by him, countersigned by the then Ld. CMM. He added that he had handed over the case dairy along with the case file to the MHC (R), PS Subzi Mandi for forwarding the same to Crime Branch. He added that he had not collected any details/ data in respect to the EPBX number on which the alleged calls were received. He added that during the said period, there was a direction for transfer of investigation of present case on first day itself as he had not done any investigation in the matter. He added that he had kept the file with himself during the said period and was waiting for the formal orders regarding transfer of investigation. He added that intimation of transfer of investigation was given to him by the then MHC (R), Subzi Mandi. He added that the investigation in the present case was transferred to PS Crime Branch by orders of the then ACP, (HQs), C&T, Delhi Police. He stated that he had received the order of transfer of investigation of the present case in the evening of 13.05.2017. He admitted that there were no directions in the said transfer order asking him not to investigate the present matter. He added that from the first day itself, there were oral instructions of senior Delhi Police officials that the file would be transferred to Crime Branch. He denied the suggestion that these directions were not mentioned in the case diary and despite there being no such directions asking him not to investigate the case, he had deliberately not investigated the matter. He denied the suggestion that during the 14 days when the case file was with him, he had made enquiries from the Ld. ASJ and other witnesses regarding the present case. He denied the suggestion that he was aware that no such call as alleged was ever made to the Judicial Officer and for this reason, he had not conducted any investigation in the present matter. He also refuted the suggestion that he deliberately did not record statements of the concerned officials and that he was deposing falsely.

xv. **PW15 Inspector Vishal Chaudhary** deposed that on 12.10.2017, he was posted at PS Crime Branch as a Sub

Inspector. He added that on that day, the further investigation of the present case was marked to him and hence, he had collected the case file and perused the same. He added that on 30.01.2018, he had obtained the permission for interrogating the accused Sukesh in the present case. On 22.02.2018, he went to Tihar Jail and formally arrested accused Sukesh in the present case, vide arrest memo Ex. PW6/A. He had recorded the disclosure statement of accused marked Ex. PW6/B. He had prepared an interrogation report marked Ex. PW6/C. He also recorded the statement of ASI Gulab Singh, Junior Judicial Assistant Neetu Singh and Sh. Surinder Arora. He added that he was then transferred out of Crime Branch and so he handed over the case file to MHC(R). He correctly identified the accused. In his cross- examination, he deposed that the case file was handed over to him by Inspector Neeraj Chaudhary, who was the earlier IO in the present matter. He added that he had received the entire case record from Inspector Neeraj Chaudhary. He didn't distinctly recall the number of IOs who had investigated the present case before the same was marked to him. He added that some investigation was also done by the officers from PS Subzi Mandi. He added that he had read the case diary prior to starting the investigation. He didn't recall any direction barring SI Sanjay Kumar Gupta from PS Subzi Mandi from conducting any investigation in the matter. He added that he had not recorded the statement of any staff member attached with the court of

Ms. Poonam Chaudhary, Ld. Special Judge. He deposed that he had recorded the statement of Surinder Arora and a call operator at the court. He stated that as per the statements recorded, the calls were forwarded to the Court of Ms. Poonam Chaudhary, as the caller had specifically asked for her. He deposed that the caller had identified himself to be the PS to Justice 'KJ' and had asked for the call to be connected to Ms. Poonam Chaudhary, Ld. Special Judge. He added that till the time, he was the Investigating Officer in the case, he had not recorded the statement of the PS to Justice 'KJ', regarding any call being made by him on behalf of Justice 'KJ' to Ms. Poonam Chaudhary. He added that he was subsequently transferred and the investigation of this case remained with him for around five months only. He added that he did not make any enquiries from the Court of Ms. Poonam Chaudhary, Ld. Special Judge regarding pendency of any bail application filed on behalf of the accused, while he was the Investigating Officer in this case. He added that no prohibited article (including SIM card/phone) was recovered from the possession of the accused, while in custody. He stated that he couldn't comment whether any such recovery was affected from the accused during proceedings in FIR No. 56/2017, PS Crime Branch as he was not the IO in that case. He stated that he had not gone through the case file of FIR No. 56/2017, PS Crime Branch and had not recorded the statement of Ms. Poonam Chaudhary, Ld. Special Judge. He had also not collected the CDR of either the caller or the recipient of the calls. He added that the other IOs may have collected the same. He didn't recall whether IO SI Sanjay Gupta had recorded the statement of any other witness. He stated that he had not recorded the statement of any staff member attached with the court of Ms. Poonam Chaudhary, Ld. Special Judge. He had also not made any enquiry from any staff member as to who would respond to calls received on the official landline of the Judge in her chamber, when the said Judge was holding the court. He stated that he had visited Tihar Jail on 22.02.2018 at 12:00 Noon. He had interrogated the accused for a few hours and had left Tihar Jail at 04-04:30 PM. He didn't distinctly recall whether the interrogation was done in the jail ward or in the office of the Superintendent of Jail. He added that ASI Gulab and Ct. Mintu had accompanied him to Tihar Jail. He didn't remember whether any jail staff was stationed at the place where he was interrogating the accused. He denied the suggestion that the accused had not made any disclosure statement and that his signature was obtained on papers which had his alleged disclosure already written thereon. He denied the suggestion that during interrogation, he had come to know that the accused was not conversant in Hindi and as such, the accused was not aware of the contents of the written statement on which his signatures were obtained. He refuted the suggestion that he had deliberately not asked the jail officials to formally join the investigation. He also denied the suggestion that he did not conduct a fair investigation in the present case despite knowledge that the accused had not made the alleged calls. He denied the suggestion that he had deliberately concealed the fact that the Ld. Special Judge was willingly taking the calls and willingly calling back on the alleged number. He also refuted the suggestion that the accused had been falsely implicated in the present case and that he had not conducted a proper investigation in the case. He spurned the suggestion that he was deposing falsely.

xvi. **PW16 Inspector Neeraj Chaudhary** stated that on 16.05.2017, he was posted as Inspector in ISC Crime Branch, Chanakyapuri, Delhi and on that day, the investigation in the present case was handed over to him. During investigation, he had collected the CDR of mobile number 9996436762 which was found registered in the name of Subhash Rathi. He stated that on 06.09.2017, he had examined Subhash Rathi and recorded his statement. He stated that Subhash Rathi had stated that the alleged SIM Card was used by Ct. Manjeet, who was posted in ISC Crime Branch. The witness stated that he had then examined Ct. Manjeet and HC Anoop and recorded their statements. He stated that he had then handed over the file to MHC(R). In his cross- examination, he stated that he had received the case diary alongwith the case file. He stated that he had gone through the case diary after receiving the main file. He added that he had not examined the complainant after the present case was marked to him. He sought the approval of senior Delhi Police Officials to obtain the CDR of mobile numbers in question vide letter marked Ex. PW14/A. He admitted that there was no endorsement/ acknowledgment of the DCP on the letter marked Ex. PW14/A. He added that he was formally marked the investigation of the case through an order passed by the Delhi Police Headquarters. He didn't remember whether there were any remarks to the effect that the investigation should not be conducted by the local police officer who had registered the present case. He didn't remember whether the case diary received by him, as prepared by SI Sanjay Gupta, had any such remarks. He didn't remember whether SI Sanjay Gupta had written any statement of any witness apart from that of the complainant. He stated that the investigation of the present case had remained with him for five months and in that period, he had not recorded the statement of any staff member of the complainant. He had also not recorded the statement of PA to Hon'ble Justice 'KJ' in respect to any phone call as mentioned in the present FIR. He had also not recorded the statement of the concerned official at EBPX, who had forwarded the said calls to the complainant. He also didn't recall whether any call had been made by the complainant on the number from which she had received missed calls. He added that he had recorded the statement of Subhash Rathi on 06.09.2017 in which it was nowhere stated that the SIM card was in the possession of the accused at any point of time. He added that no document was furnished by

Subhash Rathi to show that he had handed over the SIM to anyone else or that it had been misused by anyone. He added that during his examination, Ct. Manjeet nowhere mentioned that he had given a complaint to senior officials about the misuse of his phone by the accused. He admitted that at the time of producing an accused before a court, the accused is neither allowed to carry any prohibited articles nor allowed to use a mobile phone. He admitted that as per the jail manual if a person is found using prohibited articles, including mobile phone, the escorting team has to report the incident to their senior officials. He admitted that if an accused is found using prohibited articles, there is a punishment prescribed in the jail manual. He admitted that during investigation, he did not find any complaint regarding use of phone by the accused. He denied the suggestion that when the investigation of the case was with him, he had not conducted proper investigation and had been complicit with others in falsely implicating the accused in the present case. He denied the suggestion that this case was registered and investigated only because of pressure from the Judicial Officer. He refuted the suggestion that despite there being no material against the accused, cancellation report was not filed, as there was pressure from the judge in question. He denied the suggestion that he was deposing falsely.

xvii. **PW17 Surender Kumar, Nodal Officer, Bharti Airtel Ltd.** deposed that upon a requisition being received from the Police, he had provided the CAF and CDR of mobile No. 9996436762 for the period from 01.04.2017 to 30.04.2017. The CAF record is Ex. PW15/A. The CDR is Ex. PW 15/B. He added that he had also given the certificate under Section 65 B IEA with respect to abovesaid documents, which is Ex. PW15/C. In his cross- examination by the Ld. Counsel for accused, he stated that he didn't remember the exact date on which he had received the request to produce the CAF and he also didn't remember the date when he had provided the same to the IO. He added that the date was mentioned in his certificate under Section 65 B IEA. He added that the CAF and CDR details cannot be given without orders of the DCP and that the order did not mention the names of the specific police official to whom the details had to be handed over. He stated that he had obtained the CDR from his system and he had downloaded the same by using the application provided by Bharti Airtel Company Ltd. He admitted that he was not aware whether the CAF form was duly verified by any official of the company or not. He denied the suggestion that the system was not within his exclusive control and that the data extracted by him could be easily manipulated on any computer system. He denied the suggestion that there was no direction of the DCP to provide any such CDR or CAF to any police official.

xviii. **PW18 Retired HC Anoop Singh** deposed that on 28.04.2017, he was posted as a Head Constable at Crime Branch, ICS, Chanakyapuri, Delhi. He added that on that day, accused

Sukash was present at the Crime Branch in FIR No. 56/17, registered under Section 8 of the Prevention of Corruption Act and Section 170/120-B IPC. He added that the accused was in police remand under his custody alongwith Ct. Manjeet. He added that at around 1:20 PM, he had gone outside for lunch and on returning he saw the accused Sukesh talking on a mobile phone. When he enquired from the accused whose phone he was using, he found out that the accused was using the mobile phone of Ct. Manjeet. He added that Ct. Manjeet had asked the accused whom he was talking to and the latter told him that he was talking to his wife. He added that the accused was produced in Court on the same day, where they came to know that the accused had called the Judicial Officer. He deposed that IO Inspector Neeraj Chaudhary had made inquiries from him and recorded his statement. He correctly identified the accused. In his cross- examination, he deposed that the accused was in custody in case FIR No. 56/17 and that he himself had not joined the investigation in FIR No. 56/17. He added that the custody of the accused was handed over to him and Ct. Manjeet around 08:00 AM on that day. He added that the accused was produced before the Court at around 03:00 PM. He couldn't recall the name of the judge before whom the accused was produced by them. He added that the accused was made to sit in the room of IO Inspector Neeraj Kumar till the time they left the Crime Branch Office for producing the accused before the court. He added that the accused was made to sit alone inside the IO's room. He added that till the time the accused was produced before the court, he along with Ct. Manjeet remained present outside the said room. He added that Inspector Neeraj was not present at the Crime Branch office on 28.04.2017. He also stated that the IO had come to the Crime Branch office just before he was to be taken to the Court. He added that Ct. Manjeet had not left the place outside the room where the accused was made to sit. He added that he had come back to the office after having lunch. He added that prior to 01:20 PM, he and Ct. Manjeet had not seen the accused talking over mobile phone to any other person. He stated that the accused was visible inside the room from the place where they were present. He admitted that till the time the IO came at the Crime Branch office, neither him nor Ct. Manjeet went inside the room where the accused was sitting. He added that the accused was made to sit inside the IO's room after proper frisking. No prohibited articles including a mobile phone or SIM card, was found in the possession of the accused. He added that Ct. Manjeet had told IO Inspector Neeraj about the phone having been used by the accused when he came to the Crime Branch Office. He added that in his presence, IO Inspector Neeraj had not recorded the statement of Ct. Manjeet regarding the complaint made by Ct. Manjeet. He stated that he didn't remember whether he, Ct. Manjeet or Inspector Neeraj had made any complaint to the judge concerned regarding misuse of the mobile phone by the accused. He didn't remember whether Inspector Neeraj had given any memo to Ct. Manjeet regarding use of the phone of Ct. Manjeet by the accused. He added that as far as he could remember, there was no departmental enquiry conducted against Ct. Manjeet. He didn't not know whether the mobile phone of Ct. Manjeet was seized by Inspector Neeraj or not. He added that in his presence, Inspector Neeraj had not asked Ct. Manjeet to hand over his mobile phone to him. He added that in his presence, the IO had not seized the mobile phone of Ct. Manjeet. He also deposed that before leaving the Crime Branch Office, the accused had again been frisked by the police and nothing had been recovered from his possession at that point also. He didn't remember whether the IO had seized any SIM card while the accused was in his and Ct. Manjeet's custody. He didn't remember the make of the vehicle which was used to take the accused to Court. He added that it was a private vehicle. He didn't remember whether any permission was obtained by the IO to take the accused to Court in a private vehicle. He didn't remember whether he as well as Ct. Manjeet were interrogated together or separately in connection with the present case. He added that in his presence, Ct. Manjeet had not made any call to anyone on his mobile phone. He also didn't remember, whether in his presence, any written complaint was given to anyone in respect to the allegations levelled against the accused. He also denied the suggestion that the accused had never made any call to any one till the time accused remained in his and Ct. Manjeet's custody. He denied the suggestion that he had never noticed the accused using any mobile phone or the accused telling him that he was talking to his wife. He denied the suggestion that that the accused was falsely implicated in the present case and that he was deposing falsely.

EVIDENCE LED BY THE ACCUSED

21. Having discussed the evidentiary matrix presented by the prosecution, this Court now shifts its gaze to the shield raised by the defence. The evidence led by the accused Sukesh shall be discussed in brief as in the solemn forum of a criminal trial, the right of the accused to project an alternative version, to demonstrate a plausible improbability, or to establish a complete alibi is a cornerstone of fundamental fairness.

22. Unlike the prosecution, which carries the unyielding onus of proving its case beyond all reasonable doubt, the accused is held to no such exacting standard; he needs only to tilt the scales on the touchstone of a preponderance of probabilities or cast a lingering, reasonable hesitation in the judicial mind. Hence, this Court shall now turn its focus to the oral testimony of DW Leena Paulose, who was the wife of the accused Sukesh, and then examine whether this evidence successfully dismantles the prosecution's edifice or raises a doubt so profound that the law must lean toward the sacred presumption of innocence.

23. **DW Leena Paulose** deposed that the accused was arrested in FIR No. 56/2017 PS Crime Branch in April, 2017 (2nd week of April). She stated that he was to come to Cochin to meet her around that time. However, he was arrested at Delhi. She stated that at that time, she was unaware about his arrest. She stated that he had been arrested around Easter in 2017. She deposed that when accused did not contact her, she got worried and called the hotel where he was staying in Delhi. It was then that she came to know about his arrest, which was also subsequently flashed in the news. She stated that she did not speak to him after that and she met her for the first time in Mulakat at Tihar Jail, i.e. after around three months. She stated that she spoke to him only around July 2017. Before that, she had no contact with him between the date of his arrest and when she met him in July 2017. She deposed that neither the accused nor anyone from his family tried to contact her in these three months after his arrest. She stated that she was not aware about the details of the present case. She stated that the accused did not call her from police custody after he was arrested in PIR No. 56/2017, PS Crime Branch. She stated that the accused had never told her that he had tried to call her from the judicial custody by using the mobile phone of any police official. She stated that she was in Kochi on 28.04.2017. She stated that she did not receive any call from the accused on that day. She admitted knowing the fact that the accused was in custody on 28.04.2017.

24. In the present matter, the defense also sought to place reliance upon two key witnesses, namely Gopi and Manoharan, to

substantiate its narrative and cast doubt upon the prosecution's case. However, the official efforts to enforce their presence yielded a startling and revealing state of affairs.

25. As to defence witness Gopi, the process returned with the sombre revelation that the witness Gopi had already committed suicide few years prior to his summoning. His inclusion in the list of witnesses was an impossibility from its inception, rendering any reliance upon his supposed knowledge entirely illusory.

26. As to defence witness Manoharan, exhaustive inquiries conducted to trace the purported witness Manoharan proved entirely futile. Verification exercises undertaken at the specific addresses—including discrete inquiries at the lawyer's chamber (the details of which were provided by the accused in his own handwriting) and the Bar Association Office at Madras High Court—conclusively established that no such individual existed at the given credentials. The witness remained entirely non-existent, a phantom name lacking both physical presence and professional record.

SUBMISSIONS OF LD. APP FOR THE STATE

27. The Ld. APP for the State, Sh. Amit Yadav, has sought the conviction of the accused Sukesh, contending that the present case does not merely involve a routine offense of cheating or impersonation- it represents an audacious, calculated, and direct assault on the majesty, integrity, and independence of the judiciary. The Ld. APP for the State has submitted that the accused committed an unpardonable and overly audacious act of impersonating a Sitting

Judge of the Hon'ble Supreme Court of India over a telephonic call made directly to the Ld. Presiding Judicial Officer. Ld. APP for the State argued that the accused did so with the explicit, illegal, and corrupt objective of influencing the judicial mind and coercing the court into granting him bail in pending criminal proceedings.

28. The Ld. APP for the State argued that the prosecution's case against the accused stands corroborated by irrefutable, objective, and technical evidence coupled with the consistent testimony of a Judicial Officer, who had no motive to falsely implicate the accused by filing a false case. He argued that the Call Detail Records (CDR) of the mobile phone belonging to Constable Manjeet—which was illicitly procured, accessed, and utilized by the accused—conclusively established the precise timeline, and origination of the calls made to the Ld. Judicial Officer. The Ld. APP for the State argued that the electronic trail leaves zero scope for doubt regarding the accused's direct authorship of the offense.

29. Ld. APP for the State also submitted that the administration of justice relies entirely upon the unsullied purity of the judicial process and the absolute independence of Judicial Officers from external influence, intimidation, or fraudulent interference. By attempting to subvert a judicial decision through deceit, authority-spoofing, and intimidation in the name of the highest court of the land, the accused sought to contaminate the very stream of justice at its source. The Ld. APP for the State further submitted that the alleged act was deliberate, planned, and executed using a mobile device while in judicial custody.

30. The Ld. APP for the State also submitted that the accused is a known conman, who has used a similar *modus operandi* before as well, and he has continuously demonstrated an unyielding propensity to subvert legal processes, showing utter disregard for the rule of law.

31. The Ld. APP for the State, while conceding that there were major deficiencies in the investigation, submitted that those themselves weren't sufficient to acquit the accused. He stated that acquittal of the accused in a matter where the judicial institution itself was targeted would send a catastrophic signal to society and criminals alike. He submitted that a conviction in a case such as this would send an unequivocal message that those who dare to threaten or manipulate the judiciary shall be met with the full, unyielding weight of the law.

32. The Ld. APP for the State has also challenged the quality and veracity of the defence evidence. He first assailed the summoning of defence witness Gopi and Manoharan. He argued that the solemnity of a criminal trial demands real evidence from living, verifiable sources. The revelation that Gopi, one summoned defense witness, had long passed away and Manoharan, the other defence witness, was an untraceable non-entity exposed a profound vacuum in the defense evidence. The Ld. APP for the State argued that consequently, this Court cannot attach any weight or legal credibility to assertions hinged upon the uncalled testimonies of a deceased individual and a non-existent witness. He argued that the defense

version, deprived of these foundational pillars, remained uncorroborated, floating in the realm of unproven assertions.

33. The Ld. APP for the State also argued that the testimony of DW Leena Paulose also required a careful and circumspect scrutiny as she was not a disinterested or independent witness. She was the wife of accused Sukesh Chandrasekhar and, significantly, was herself facing criminal proceedings and was in custody in connection with another case involving the accused. Her evidence, therefore, cannot be placed on the same footing as that of an independent witness having no personal stake in the outcome of the proceedings.

SUBMISSIONS OF LD. DEFENCE COUNSEL

34. The Ld. Defense Counsel Sh. Praveen Dabas argued that in a criminal prosecution, suspicion—no matter how grave or widely publicized—can never take the place of legal proof. He contended that the prosecution's case against the accused is an edifice built entirely on conjecture, fraught with insurmountable contradictions, and crippled by fatal investigative gaps.

35. The Ld. Defence Counsel argued that the entire edifice of the prosecution's case rested on the motive that the alleged call was made to influence the Ld. Presiding Officer to grant bail. However, nothing was placed on record to show that on the date of the alleged incident, a bail application of accused Sukesh was pending before the concerned Court. He argued that on this count, the very foundation and cornerstone of the alleged offense stand

completely eroded. He argued that where the very res gestae and substrate of the offense are left uncollected by the investigating agency, the prosecution's case inevitably collapses under its own structural weight. Ld. Counsel for the accused argued that since this alleged pending bail application constituted the sole pivot, motive, and ultimate objective around which the entire drama of impersonation is said to have been orchestrated, it was imperative for the Investigating Officer to seize, collect, or place on record the very bail application for which the alleged call was made. He argued that this failure was not a minor procedural oversight or a curable irregularity; it was a fatal infirmity that strikes at the very root of the prosecution's narrative. He argued that in the absence of the seized bail application, there was no judicial or documentary link to connect the alleged phone call with the accused or any matter pending before the Ld. Judicial Officer on that given date. He argued that to convict an accused on the extraordinary charge of impersonating a Supreme Court Judge to procure a judicial order, without bringing on record the foundational document seeking that very order, would be to substitute conjecture for proof.

36. Ld. Defence Counsel further argued that to prove the allegation of impersonating a Sitting Judge of the Hon'ble Supreme Court, the prosecution was duty-bound to lead primary, direct evidence. He argued, that quite remarkably, not a single witness from the Hon'ble Supreme Court of India was examined to corroborate or verify the impersonation claim, leaving the allegation entirely uncorroborated in law. The Defence Counsel argued that the

IO completely failed to join, examine, or record the statement of the concerned official from the Hon'ble Supreme Court of India under Section 161 Cr.P.C., nor was this crucial witness cited in the list of prosecution witnesses. He argued that this omission constituted a major and crippling investigative flaw. The testimony of the Supreme Court official was vital to verify the chronology, establish the factum and nature of the query made by the Ld. Judicial Officer, and formally confirm that no such directions or calls originated from the Hon'ble Supreme Court. It was contended that by failing to examine this independent and indispensable witness, the IO deprived the Court of primary corroborative evidence regarding the immediate aftermath and verification of the alleged call. He argued that such a glaring hiatus in the chain of investigation couldn't be dismissed as a mere triviality- it severely damaged the credibility of the prosecution's narrative and reinforced the plea that the investigation was conducted in a routine, casual, and impermissible manner.

37. The Ld. Defence Counsel also argued that the testimony of the complainant suffered from fatal internal infirmities that shatter her credibility. He first highlighted the contradiction in the date of incident (i.e. the complainant initially stated that calls were received on 27.04.2017 and later stated that calls were made on 28.04.2017). The defence counsel argued that the complainant was not a lay person for whom this court may cut some evidential slack. She was a Judicial Officer and she was expected not to fall prey to such fallibility of memory.

38. The Ld. Counsel for the accused also assailed the conduct of the complainant in dialling the alleged number from which she had received calls even after verifying from the Supreme Court Registry that no calls were made to her from there. The Ld. Counsel for the accused contended that this conduct of the complainant defies natural human conduct.

39. The Ld. Defence Counsel also argued that there was no document/ call register/ PBX log/ order-sheet etc. to independently corroborate the version of the complainant.

40. The Ld. Defence Counsel argued that the complainant's testimony cannot be treated as reliable for the purpose of establishing the content and character of a conversation. He stated that the complainant could have recorded the conversation of the imposter after having coming to know that the caller was not a judge of the Supreme Court. As per him, the absence of a voice recording of the alleged caller, which could have been sent for forensic examination, also weakened the prosecution's case.

41. The Ld. Defence Counsel also argued that the prosecution had failed to explain as to how the accused came to have the complainant's official landline and mobile number, when the same admittedly not available in the public domain. He argued that failure of the prosecution to explain this aspect left the prosecution's theory as to how the accused allegedly obtained her number completely unproven and speculative.

42. The Ld. Defence counsel also assailed the failure of the prosecution in recovering the mobile phone and SIM card used to

make the alleged calls. The Ld. Defence Counsel also assailed the conduct of Constable Manjeet in not reporting the matter of alleged misuse of his phone by the accused Sukesh to a senior Police Official or to the Judge concerned, when the accused was produced before her post- lunch. The Ld. Defence Counsel argued that such a flagrant departure from natural human conduct expected of a police official, casts a severe shadow of doubt on the authenticity of the entire narrative engineered by the Police.

43. The Ld. Defence Counsel for the accused has also challenged the reliance placed by the prosecution on the Disclosure Statement of the accused. He argued that the bulk of the said disclosure statement was purely confessional, uncorroborated by any subsequent discovery of fresh facts, and is thus strictly hit by the bar of Section 25 / 26 of the Indian Evidence Act (Section 23 of BSA), rendering it wholly inadmissible.

44. The Ld. Defence Counsel for the accused also challenged the prosecution case on the ground that there was no eye-witness to the alleged act of impersonation itself and no voice identification was also done. He argued that the matter was based only on circumstantial evidence and in this case, the prosecution's case had failed to pass the evidentiary muster laid down in "*Sharad Birdhichand Sarda v. State of Maharashtra*", (1984) 4 SCC 116.

45. The Ld. Defence Counsel has also assailed the failure of the IOs in not requisitioning the CDR of mobile phone of the complainant or the calls logs of the official landline of the complainant, to verify whether the complainant had indeed made

calls to the Supreme Court Registry to inquire whether any such call had been made to her by the Sitting Supreme Court Judge.

46. The Ld. Defense Counsel also highlighted another glaring, fatal lacuna in the investigation conducted by the prosecution—specifically, the deliberate non-examination and non-joining of the Judicial Officer's court staff who may have handled the landline communications on the day of the incident. He highlighted the fact that the prosecution narrative asserts that multiple telephonic calls were received on the official court/office landline during working hours before the alleged call was transferred or answered directly. In ordinary court functioning, incoming calls on official court landlines are invariably received, screened, or attended to by court staff—such as the Reader, Stenographer, Ahlmad, or Orderly—before being brought to the notice of the Ld. Presiding Officer. He argued that quite remarkably, the Investigating Officer completely failed to examine or record the statements of any court staff member attached to the court of the Ld. Judicial Officer under Section 161 Cr.P.C.. Not a single staff member who allegedly answered the landline calls earlier in the day has been cited as a prosecution witness. The staff members were probably the first point of contact and primary witnesses to the origin, frequency, tone, and identity assertions of the caller. He argued that omission to examine them left the chain of primary ocular evidence completely broken. By ignoring the very individuals who may have physically received and handled the initial calls, the investigating officer has suppressed natural, independent witnesses whose testimonies were essential to

test the veracity of the prosecution's claims. Ld. Defence Counsel argued that without the statement of the staff members who purportedly attended the landline, there was zero independent corroboration to establish who actually spoke, what representations were made during the initial calls, or how the call was handled prior to reaching the Ld. Officer. The Ld. Defence Counsel argued that in a case where the State seeks to establish a high-profile attempt to subvert justice through telephonic impersonation, ignoring the immediate court staff who handled the communications was not a mere oversight—it was a fatal investigative flaw. This deliberate suppression of material witnesses severely undermined the credibility of the prosecution's case and created a profound, reasonable doubt, the benefit of which must extend entirely to the accused.

47. Further, the Ld. Counsel for the accused stated that DW1, Smt. Leena Paulose, wife of the accused, had specifically stated that accused Sukesh had not called her on 28.04.2017. This demolished the version given by PW-5 (Ct. Manjeet), who had deposed that when he caught the accused using his mobile phone, the accused had told him that he was talking to his wife.

POINTS FOR DETERMINATION

48. It is in this factual, evidential, and legal backdrop that the following points arise for determination:

a) Whether the prosecution has proved beyond reasonable doubt that the accused made the telephone calls in question to the Judicial Officer?

b) Whether the accused, while making such calls, impersonated himself as a Judge of the Supreme Court?

c) Whether, by making such calls and assuming such false identity, the accused intended to influence or interfere with the Judicial Officer in the exercise of her judicial functions and to secure an order favourable to himself?

d) Whether the prosecution has established the requisite mens rea and all the essential ingredients of the offences with which the accused has been charged?

e) Whether the discrepancies and inconsistencies highlighted by the defence, including the discrepancy regarding the date of the calls, are material contradictions going to the root of the prosecution case or are merely minor discrepancies attributable to lapse of time and human recollection?

f) Whether the testimony of the Judicial Officer inspires confidence and is corroborated, wholly or substantially, by the surrounding circumstances and other evidence on record?

g) Whether the testimony of defence witnesses, including Leena Paulose, is sufficiently credible and reliable to create a reasonable doubt in the prosecution case?

h) Whether the lapses and deficiencies in the police investigation, as brought out on record, affect the prosecution case to such an extent as to entitle the accused to the benefit of reasonable doubt?

49. These points shall now be examined sequentially, upon the touchstone of the evidence led before the Court and the settled principles governing appreciation of criminal evidence.

APPRECIATION OF EVIDENCE

Standard of Proof and Principles Governing Appreciation of Evidence

50. Before embarking upon the appreciation of evidence, it is necessary to remind oneself that the criminal trial is ultimately an exercise in the search for truth, conducted within the safeguards of law. The Court is required to neither presume guilt from the seriousness of an allegation nor reject credible evidence merely because the prosecution case does not contain an eyewitness to every facet of the occurrence. The task of the Court is to examine the evidence as a whole, to separate the grain from the chaff, and to determine whether the circumstances proved on record lead to the conclusion that the accused committed the offence charged.

51. The present case presents a somewhat unusual evidentiary situation. The alleged act was committed through a telephone call, in circumstances where the caller deliberately assumed a false identity. It would be unrealistic to expect the prosecution to produce an independent eyewitness to a private telephonic conversation. The principal witness to the communication is, therefore, necessarily the Judicial Officer who received the calls. The law does not prescribe that the testimony of such a witness must invariably be corroborated by an eyewitness before a conviction can follow.

52. There is no rule of law that a conviction cannot rest upon the sole testimony of the complainant or victim merely because the occurrence took place in private. The determinative consideration is

the quality of the testimony. Where the testimony of the witness is found to be cogent, coherent, trustworthy and consistent with the surrounding circumstances, it can constitute substantive evidence capable of sustaining a conviction. Corroboration is a rule of prudence in appropriate cases, not an inflexible rule that renders otherwise credible testimony legally insufficient.

53. In a case such as this, the testimony of the Judicial Officer would also have to be examined against the electronic evidence concerning the mobile device from which the calls are made and the possession or use of that device by the caller at the relevant time. Such electronic evidence, where duly proved and found reliable, may provide an important objective circumstance corroborating the oral account.

54. The Court is also entitled to examine the motive and surrounding circumstances of the call. The Court will have to examine whether the hoax calls were an inexplicable or random act or were made in the context of securing a favourable judicial order. The fact that the accused stood to obtain a direct and immediate benefit from the communication would constitute a circumstance of considerable relevance while assessing the prosecution version. Though motive by itself cannot establish guilt, where a credible direct account is supported by objective electronic circumstances and the accused had a discernible reason to undertake the particular act alleged, the evidentiary picture would acquire considerable coherence and the Court would be justified in reaching the

conclusion that the accused was indeed the caller who made those hoax calls.

55. The Court is thus, not required to search for corroboration merely as a matter of ritual. The real question is whether the testimony of the Judicial Officer, tested against the other evidence, the circumstances of possession of the relevant mobile device, the conduct of the accused and his motive, inspires confidence and establishes guilt beyond reasonable doubt.

56. In a case such as this, the prosecution is required to establish the guilt of the accused beyond reasonable doubt. This standard does not demand proof beyond all conceivable doubt, nor does it require the Court to disregard natural and compelling inferences arising from proved facts. Reasonable doubt must be a doubt founded upon reason and evidence; it cannot be an imaginary, speculative or fanciful doubt. The Court must cumulatively consider the oral testimony, electronic evidence, circumstances of possession, motive, and all other proved circumstances, rather than examining each circumstance in artificial isolation.

57. The Court shall, therefore, now apply this standard to the evidence on record, bearing in mind that a conviction may legitimately rest upon the testimony of a single credible witness when that testimony inspires confidence and is supported, where available, by reliable electronic and circumstantial evidence.

<u>A day's delay in registration of the FIR</u>

58. The defence has sought to create an adverse inference against the prosecution's case on account of the one-day delay on the part of the Judicial Officer in lodging the complaint on 29.04.2017 and not on 28.04.2017 itself. The Ld. Defence Counsel has questioned the reason why the Judicial Officer didn't immediately lodge the complaint on 28.04.2017 itself. The submission, though superficially appealing, is bereft of any tangible merit as it proceeds on a premise which is not borne out from the record.

59. There is, in fact, no inordinate or unexplained delay in the present case. The Judicial Officer forwarded her formal complaint to the Ld. Principal District and Sessions Judge; Ld. Registrar General of High Court of Delhi; and the Court of the then CJM, on the very next day of the incident. The factum of her having sent the complaint to the CJM is borne out from the record, as the FIR came to be registered on the basis of this complaint received.

60. The temporal proximity between the impugned communication (hoax calls) and the complaint is itself significant. The complaint was not lodged after weeks or months of deliberation; rather, the Judicial Officer acted on the following day after the occurrence.

61. The Court must also appreciate the nature of the incident before attaching any artificial significance to the passage of time between the hoax calls and the complaint.

62. The Judicial Officer was confronted with a highly unusual and unsettling situation. She received a telephone call in which the caller purported to be a Judge of the Supreme Court and sought favourable treatment for an accused whose case was pending before her. The communication was not merely a request for consideration of a bail application. It carried with it, according to the prosecution evidence, an implicit or explicit warning of serious professional consequences if the desired relief was not granted.

63. A Judicial Officer placed in such a situation cannot reasonably be expected to react mechanically or impulsively. The first and most natural response of a Judicial Officer would be to ascertain whether the person making such a communication was in fact who he claimed to be. The Judicial Officer would necessarily be conscious of the extraordinary implications of acting upon a communication purportedly emanating from a Judge of the Supreme Court.

64. It was, therefore, entirely natural for her to make enquiries from the Supreme Court and verify whether any such communication had actually been made by the Judge whose identity had allegedly been invoked.

65. The subsequent filing of the formal complaint after such verification does not constitute delay. On the contrary, it reflects prudence, circumspection and institutional responsibility. A Judicial Officer who receives an extraordinary communication purporting to emanate from the Supreme Court would be expected to gather the facts, ascertain the authenticity of the communication, assess its

implications and thereafter place the matter before the competent authorities.

66. This Court would therefore, be circumspect in criticising or doubting the Judicial Officer for not immediately rushing to the police station at the very moment she received the call. Indeed, to expect an experienced Judicial Officer to lodge an FIR impulsively, without first satisfying herself that the communication was fraudulent and without verifying the identity of the purported caller, would be contrary to the very standards of judicial prudence expected from her. The Judicial Officer had to think the matter through, gather her thoughts, verify the startling assertion made during the call and only thereafter initiate formal proceedings. She did so on the very next day.

67. There is another aspect which cannot be overlooked. A Judicial Officer is not an ordinary complainant in relation to an allegation which concerns an attempt to interfere with the discharge of judicial functions. The act of registering an FIR on the basis of such an allegation carries institutional consequences. When a Judicial Officer alleges that an unknown person has impersonated a Supreme Court Judge and his Secretary, and attempted to influence her decision in a pending case, the allegation inevitably affects not merely her individual interest but also the prestige, dignity and institutional credibility of the judiciary.

68. A Judicial Officer must, therefore, exercise a higher degree of circumspection before setting the criminal law into motion in relation to such an allegation. This is not because the Judicial

Officer enjoys any lesser protection of law. It is precisely because the office she occupies carries institutional responsibilities beyond those of a private individual.

69. An FIR founded upon a false or exaggerated allegation by a Judicial Officer could itself have serious repercussions upon the credibility of the judicial institution. A prudent Judicial Officer would consequently be expected to verify the facts before initiating criminal proceedings. The conduct of the Judicial Officer in the present case is entirely consistent with such institutional prudence. She did not immediately proceed upon the assumption that the caller was an impostor. She made enquiries from the Supreme Court. Upon discovering that no such call had been made by the concerned Supreme Court Judge, she lodged the formal complaint the very next day. This sequence of events lends considerable assurance to the credibility of her version.

70. In these circumstances, this Court holds that the complaint was lodged with commendable promptness.

Credibility of the Judicial Officer as a Witness of an Unusual and Extraordinary Incident

71. The testimony of the complainant judicial officer is consistent, cogent and materially corroborated by the contemporaneous record. From the very inception, she has consistently deposed that she received calls from the particular mobile number in question (9996436762) on her mobile number () as well as on the official landline number (). Her assertion in this regard

is not merely a bare or unsubstantiated statement; it finds independent corroboration from the Call Detail Records (CDR) of the number 9996436762, which establish the calls exchanged with the said number. The contemporaneous electronic record, therefore, lends substantial assurance to her version and rules out any suggestion that her testimony is a subsequent embellishment.

72. Significantly, the judicial officer has candidly admitted that she herself also called back on the said number. There is nothing inherently unnatural or improbable in this conduct. On the contrary, she has furnished a clear and plausible explanation for doing so. The caller had initially represented himself to be the Personal Secretary of a Judge of the Supreme Court and subsequently identified himself as a Judge of the Supreme Court. She had also been asked to talk to one Hanumant Prasad. In such circumstances, the act of calling back the number cannot, by itself, be construed as conduct inconsistent with her testimony. Her explanation is neither fanciful nor an afterthought; rather, it is a natural explanation for an otherwise apparently unusual circumstance.

73. The defence seeks to make much of the fact that the judicial officer called back the number even after she had realised that the caller was not, in fact, a Judge of the Supreme Court. This line of cross-examination does not, however, discredit her testimony. The credibility of a witness cannot be tested by isolating one particular act from the surrounding circumstances and then attributing to it a significance which it does not reasonably bear. The question is not whether, with the benefit of hindsight, the witness

could have acted differently, but whether her conduct, viewed in the circumstances prevailing at the relevant time, renders her account inherently improbable. It does not.

74. Indeed, the fact that she has openly admitted making the return call, rather than concealing or suppressing it, lends greater assurance to her testimony. A witness who seeks to fabricate a version would hardly be expected to voluntarily introduce into her own testimony a circumstance which the defence could seek to exploit, unless she was speaking from her actual recollection of events.

75. The demeanour of the judicial officer while deposing before the Court has also remained steady and composed. Her testimony has not been shaken on any material aspect. There are no material contradictions, improvements or vacillations in her account concerning the receipt of the calls, the identity represented by the caller, or the circumstances in which she made the return call. Minor questions concerning the precise sequence of events or the rationale behind a particular act cannot eclipse the broad consistency of her testimony, particularly when the material portions of her version stand corroborated by the CDR.

76. It is also important to bear in mind that the testimony of a witness is to be appreciated as a whole. The defence cannot selectively extract one circumstance—namely, that she called back the number—and use it to impeach the entirety of her otherwise consistent and corroborated testimony. The return call, viewed in its proper factual context, does not contradict her assertion that she was

contacted by the said number; rather, it is itself a part of the very sequence of events narrated by her.

77. The Court, therefore, finds no substance in the contention that the credibility of the judicial officer stands impeached merely because she called back the number after becoming aware that the caller was not, in fact, a Judge of the Supreme Court. Her explanation is reasonable, her testimony has remained consistent, her demeanour has been steady, and, most importantly, the core assertion regarding the receipt of calls from the said number is independently borne out by the CDR. The defence has failed to demonstrate any material contradiction or circumstance of such nature as would render her testimony unreliable or inherently improbable.

Absence of Motive to Falsely Implicate the Accused

78. The Ld. Defence Counsel has also suggested that the Judicial Officer has fabricated this allegation regarding a person calling her by impersonating as a Supreme Court Judge, as she was acting in concert with Delhi Police. An allegation of this nature requires the Court to assume that the Judicial Officer deliberately manufactured a false narrative involving a purported Supreme Court Judge, a telephone communication, an alleged attempt to influence a pending bail proceeding and an institutional complaint. Such an assumption is unsupported by any convincing material.

79. A Judicial Officer is presumed to understand the gravity of placing such allegations on record. The consequences of a false

complaint would not be confined to the accused. They could affect the reputation of the Judicial Officer herself, invite institutional scrutiny and cast a shadow upon the functioning of the Court. There is no plausible reason for a Judicial Officer to invent such a complaint merely to frame an accused.

80. The Court is not suggesting that a Judicial Officer is incapable of error or that her statement must be accepted merely because of the office she occupies. Every witness, irrespective of status, must be assessed on the touchstone of evidence. But where the allegation is supported by CDR of the number from which calls were received, contemporaneous conduct of the complainant, where the complaint is made promptly, where the Judicial Officer first verifies the authenticity of the communication and where there is no discernible motive for falsely implicating the accused, her testimony deserves due weight.

81. There is nothing on record to suggest that the Judicial Officer had any motive whatsoever to falsely implicate the accused or to act in connivance with the Delhi Police for the purpose of creating a false case against him. On the contrary, her conduct at the relevant time is wholly inconsistent with any such allegation. Had the Judicial Officer been acting with any ulterior motive, or had she been acting in concert with the police to falsely implicate the accused, there was nothing to prevent her from recording in the order sheet on that very day that the accused had telephonically contacted her while impersonating as a Judge of the Supreme Court. She consciously chose not to do so.

82. Instead, the Judicial Officer adopted a course that was cautious, objective and consistent with the discharge of her judicial responsibilities. She first sought independent verification of the information before drawing any conclusion as to the identity of the caller or the authenticity of the allegation. She didn't name the accused as the caller. She left it for the police to identify who the caller was. This conduct is of considerable significance. A judicial officer, upon receiving an extraordinary and potentially serious communication purporting to emanate from the office of a Judge of the Supreme Court, could not be expected to casually record an unverified allegation as an established fact in the judicial record.

83. The subsequent course adopted by her demonstrates that her concern was to ascertain the truth rather than to manufacture a case against the accused. The very fact that she refrained from immediately attributing the call to the accused and instead sought independent verification militates against the suggestion of any preconceived intention to implicate him. Indeed, if there had been any prior understanding or connivance with the police, the most natural course would have been to place the allegation on record immediately and thereafter permit the investigation to proceed on that premise. That is not what happened. The Judicial Officer first sought to ascertain the factual position independently. Her conduct, therefore, is far more consistent with that of a judicial officer attempting to protect the integrity of the judicial process than with that of a person seeking to falsely implicate an accused.

84. The law does not require a Judicial Officer to be treated as infallible. It does, however, require her evidence to be assessed fairly and in its proper institutional and factual context. The allegation of false implication must consequently be assessed against this contemporaneous conduct. The absence of any immediate recording of an accusation, coupled with the deliberate effort to independently verify the facts, substantially weakens the suggestion that the Judicial Officer had either the motive or the inclination to falsely implicate the accused in connivance with the Delhi Police.

Minor Discrepancies and Normal Errors of Human Memory/Discrepancy Regarding 27.04.2017- 28.04.2017

85. It is true that the Judicial Officer, in the first instance, deposed before the Court that the calls had been made on 27.04.2017, whereas at a later stage she stated that the calls had been received on 28.04.2017. However, this discrepancy in the date, in the facts and circumstances of the present case, cannot be regarded as fatal to the prosecution case.

86. The incident dates back several years, and a considerable period had elapsed between the occurrence and the recording of the testimony of the Judicial Officer in Court. A discrepancy of one day in recollecting the date of an incident after such a substantial lapse of time is not, by itself, sufficient to discredit an otherwise consistent and credible account, particularly when the discrepancy does not go to the root of the occurrence or alter its essential character.

87. Significantly, the Judicial Officer subsequently gave a consistent account regarding the date of receipt of the calls, thereby lending assurance that the initial reference to 27.04.2017 was merely an error of recollection and not an indication of fabrication. Human memory is not expected to function with the precision of a contemporaneous diary, particularly when testimony is recorded after a considerable passage of time.

88. The Court must, therefore, distinguish between a minor discrepancy in the recollection of the date and a contradiction affecting the substratum of the prosecution case. The present discrepancy falls in the former category. It neither dislodges the core of the testimony nor renders the witness unreliable. The subsequent consistency in her account, coupled with the substantial lapse of time since the incident, sufficiently explains the discrepancy. The Judicial Officer has consistently stated that calls were received by her on the day the accused was produced before her in court and that day, as per the judicial record, was 28.04.2017. Even the call records establish that the calls were made on 28.04.2017.

89. Accordingly, the variation as to whether the calls were received on 27.04.2017 or 28.04.2017 is not a material or fatal contradiction and does not, by itself, furnish any ground to discard the otherwise consistent testimony of the Judicial Officer.

<u>Whether the Absence of an Immediate Entry in the Order Sheet is Fatal?</u>

90. The mere absence of an immediate entry in the order sheet dated 28.04.2017 recording that the Judicial Officer had

received a call from a person impersonating as a Supreme Court Judge, seeking to influence her to grant bail cannot, by itself, be treated as fatal to her testimony. Such an omission has to be appreciated in the factual and institutional context in which the Judicial Officer found herself at the relevant time.

91. A Judicial Officer is required to exercise considerable restraint before recording, in an official judicial proceeding, an allegation of such extraordinary and grave nature. The allegation was not merely that an unknown person had made an unsolicited call; it concerned an attempt to influence the exercise of judicial discretion in a pending bail matter. Before committing such an allegation to the judicial record, a Judicial Officer would necessarily be expected to consider several factors, verify the circumstances to the extent possible, and guard against rushing to a conclusion on the basis of a telephone conversation whose provenance and authenticity may not yet have been conclusively established.

92. The matter involved not merely the personal reputation or prestige of the Judicial Officer, but also the institutional dignity of the judiciary. Any allegation that a person had attempted to influence a Judge in the discharge of judicial functions is inherently serious. An incautious or premature recording of such an allegation in the order sheet could itself have far-reaching consequences. The Judicial Officer, therefore, was entitled to proceed with caution and deliberation rather than immediately converting her apprehension into a definitive judicial finding.

93. This aspect assumes even greater significance because, at that stage, the Judicial Officer was not even aware that the number from which the call had been received was allegedly being used by a police officer. The identity and provenance of the number were not then known to her. Thus, the subsequent discovery that the number was connected with a police official cannot be retrospectively used to suggest that the Judicial Officer ought to have recorded the allegation as an established fact in the order sheet on 28.04.2017 itself.

94. The Court must guard against judging the conduct of the Judicial Officer with the benefit of hindsight. What may appear obvious after an investigation, after examination of CDRs and after the identity of the caller or the user of the number has emerged, may not have been equally apparent to the Judicial Officer at the precise moment when the incident occurred. Her conduct has to be assessed on the basis of the information available to her at that point in time.

95. Indeed, prudence demanded that she first ascertain the circumstances before attributing an improper motive to the caller or making a formal judicial record of an allegation capable of affecting the reputation of several persons and the credibility of the judicial process itself. The absence of an immediate order-sheet entry, therefore, cannot be elevated into a contradiction of her subsequent testimony. At the highest, it is an omission which requires contextual appreciation; it is not a circumstance which, by itself, destroys the credibility of an otherwise consistent account.

96. The defence cannot reasonably contend that a Judicial Officer was obliged, on the very same day and without complete knowledge of the identity of the caller or the number being used, to record in the judicial proceedings a categorical allegation that an attempt had been made to influence her to grant bail. Such an approach would impose an unrealistic standard of conduct upon a Judicial Officer and would disregard the caution, responsibility and institutional sensitivity necessarily accompanying the judicial office.

97. The subsequent conduct of the Judicial Officer must therefore be viewed as a whole. The absence of an immediate entry on 28.04.2017 does not negate the occurrence of the calls, particularly when the receipt of calls from the particular number is otherwise supported by the contemporaneous CDR and her testimony has remained consistent on the material aspects. The omission is thus neither fatal nor sufficient to discredit her testimony.

<u>Non-availability of the mobile number and landline number of the Judicial Officer in Public Domain</u>

98. The Ld. Counsel for the accused has sought to make considerable capital out of the circumstance that the mobile number as well as the landline number of the Ld. Judicial Officer were not allegedly available in the public domain and, therefore, according to him, it would have been impossible for the accused to have obtained or called upon the said numbers. The submission, though seemingly

attractive at first blush, does not withstand even a moment's scrutiny.

99. The premise that a person can contact a judicial officer only if the officer's telephone number is openly available on the internet or otherwise in the public domain betrays an artificial understanding of how information travels in a court environment. Privacy of a number may make its acquisition more difficult; it does not make its acquisition impossible. Telephone numbers of judicial officers are not necessarily secrets. They may, in the ordinary course, be available in official court directories, administrative records, contact directories and other institutional material. More importantly, persons working in and around courts, including court staff and other functionaries, may have access to such contact details for entirely legitimate administrative and official purposes. Once a piece of information is available within an institutional ecosystem, it cannot be equated with information being inaccessible to outsiders.

100. The argument becomes even less persuasive when examined against the nature of the allegations in the present case. The person who allegedly made the call was not an innocent stranger attempting, for the first time, to establish contact with a judicial officer. The allegation concerns an elaborate attempt at impersonation and influence by a person described as a seasoned conman. A sophisticated fraudster does not ordinarily depend upon the information being conveniently displayed on a public website. Such persons thrive precisely in the interstices between information which is formally public and information which is privately or

institutionally accessible. They obtain information through networks, intermediaries, social engineering, digital footprints, court-related contacts, staff, acquaintances, ‘grease the palm tactics’, and other sources. The absence of a telephone number from a publicly searchable directory, therefore, does not remotely establish that the number could not have been procured.

101. Indeed, to accept the accused’s argument would be to proceed on the wholly unrealistic assumption that every telephone number not publicly displayed is necessarily beyond the reach of a determined offender. Such an assumption would be particularly untenable in an age where personal and institutional information is routinely exchanged through multiple channels. The relevant question is not whether the number was printed on a public webpage, but whether the accused, or the person acting on his behalf, could have gained access to it through any of the numerous channels available to a determined and experienced offender. The latter possibility plainly cannot be ruled out merely because the number was not in the public domain.

102. There is another fundamental fallacy in the argument. The fact that a particular circumstance is capable of more than one explanation does not, by itself, constitute a defence. At the stage of considering the present allegations, the Court is not required to reconstruct the precise manner in which the caller obtained the telephone number as though conducting a forensic inquiry into the accused’s information-gathering mechanism. It would be sufficient if the prosecution material discloses circumstances from which the

alleged act of impersonation and attempted influence can reasonably be inferred. The precise source through which the telephone number was procured cannot be elevated into a prerequisite for believing that the call could have been made.

103. If anything, the attempt to place undue emphasis on the supposed secrecy of the telephone number appears to be a distraction from the more material question: what was the purpose, nature and surrounding circumstance of the call allegedly made to the Judicial Officer? The evidentiary significance of the call cannot be diluted merely by asserting that the number was not publicly displayed. If the investigation establishes that the call originated from a particular number, that the number was in the hands of the accused or persons acting in concert with him, and that the caller adopted the identity or authority of a Supreme Court Judge with the object of influencing the judicial process, the mere fact that the Judicial Officer's number was not available on an open website would pale into insignificance.

104. A seasoned conman does not require a telephone directory to commit an offence. He requires information, ingenuity and intent. The very sophistication which enables such persons to impersonate constitutional or judicial authorities, create an aura of credibility and attempt to manipulate the decision-making process cannot simultaneously be disregarded when considering their ability to procure a telephone number.

105. The Court must, therefore, be wary of allowing a peripheral circumstance to obscure the central allegations, which have been duly proven otherwise. In light of the preceding

discussion, even this contention of the Ld. Defence Counsel, is rejected.

<u>**Non- examination of Court staff of the Judicial Officer and Non-examination of Mr. PD Balodi from the Supreme Court Registry**</u>

106. The Ld. Counsel for the accused has also sought to assail the investigation on the ground that certain other members of the staff attached to the Ld. Judicial Officer and Mr. PD Balodi, an officer from the Supreme Court Registry, were not examined by the Investigating Officer. The submission deserves consideration, but not acceptance as a ground capable of eclipsing the entire prosecution case.

107. At the outset, it may be observed that the investigation would undoubtedly have been rendered more complete had the Investigating Officer examined all persons who were working in close proximity to the Ld. Judicial Officer and who might have had knowledge of the relevant circumstances. Examination of Mr. PD Balodi would have further buttressed the case of the prosecution. Examination of such persons could have collectively provided an additional layer of corroboration and may have enabled the Investigating Officer to place before the Court a more comprehensive account of the surrounding circumstances. That, however, is very different from saying that their non-examination renders the investigation fatal or destroys the evidentiary worth of the material already collected.

108. Criminal trials are not contests in which the side producing the larger number of witnesses automatically emerges victorious. The law does not proceed on the principle that the truth becomes more truthful merely because it is repeated by a greater number of persons. What matters is the quality, credibility and probative value of the evidence, and not the numerical strength of the witness box. It would certainly have been preferable for the Investigating Officer to examine the other members of the staff. A more meticulous investigation would have left no room for such an objection. But preferable is not synonymous with indispensable, and an investigative omission is not synonymous with a fatal defect. The Court cannot allow an otherwise credible case to collapse merely because the investigation could have been more perfect than it was.

109. Ultimately, the administration of criminal justice is not a numbers game. The Court does not count witnesses; it weighs their evidence. The quality of testimony, its internal consistency, its compatibility with objective circumstances, and its capacity to inspire confidence, are the touchstones by which evidence must be assessed.

110. A prosecution case cannot be rejected merely because every conceivable person who might have possessed some peripheral knowledge of an incident was not examined. The real question is whether the witnesses who have been examined are competent, reliable and capable of proving the material circumstances forming part of the prosecution case. If the evidence of the witnesses examined is cogent and trustworthy and is

supported by objective or documentary material wherever necessary, the absence of some additional witnesses does not, by itself, create a fatal lacuna.

111. There is a danger in judging an investigation by the arithmetic of witnesses rather than by the substance of their testimony. A prosecution is not required to produce a crowd of witnesses merely to demonstrate that an investigation was exhaustive. One credible witness can carry greater evidentiary weight than several witnesses whose testimony would only have been peripheral or corroborative to that of the most material witness i.e. the complainant. Courts are concerned with the quality of the evidence placed before them, not with the number of persons who could theoretically have entered the witness box.

112. There is a distinction between an imperfect investigation and an investigation so fundamentally defective that it destroys the prosecution case. Every omission in investigation does not have the latter consequence. Investigations are human endeavours and may contain gaps, omissions or areas where greater diligence could reasonably have been exercised. The Court must guard against converting every such imperfection into an acquittal or a rejection of otherwise credible evidence.

113. The non-examination of the other staff members of the ld. Judicial officer and non- examination of Mr. PD Balodi, must also be examined in the context of the role which they could reasonably have played. Unless it is demonstrated that the unexamined persons were material witnesses possessing some

unique or indispensable piece of information, their non-examination cannot automatically be elevated into a fatal defect. It is one thing to say that a witness ought ideally to have been examined; it is quite another to say that without that witness the prosecution case becomes incapable of consideration.

114. In the present case, the Ld. Counsel for the accused has not demonstrated what specific and material fact could have been brought on record exclusively through the examination of the other staff members, nor how their examination would necessarily have contradicted or demolished the evidence already available. The argument, therefore, remains largely one of possibility rather than prejudice.

115. The staff members had not been privy to the actual conversation between the Judicial Officer and the hoax caller on 28.04.2017. They could not have testified about the contents of that conversation. All they could have explained was who had responded to the calls earlier in the day. However, deposition on that aspect would not have demolished or effaced the testimony of the Judicial Officer, who has given a consistent and coherent version in Court.

116. Thus, while the non-examination of the remaining staff members may properly be regarded as an area where the investigation could have been more comprehensive, it does not, in the facts of the present case, constitute a fatal infirmity. The accused cannot claim an automatic advantage merely from the absence of additional witnesses when the witnesses actually examined are

otherwise capable of establishing the material circumstances relied upon by the prosecution.

117. Regarding the non- examination of Mr. PD Balodi from the Supreme Court Registry, it can be said that the IOs probably didn't deem it fit to examine an official from the office of a Constitutional functionary. The Supreme Court occupies a unique constitutional position in the architecture of the Indian Republic. The office of a Judge of the Supreme Court is not an ordinary administrative office, and matters concerning the identity, functioning and official communications of a sitting Judge necessarily carry a degree of institutional sensitivity and constitutional solemnity. The Investigating Officer may, therefore, have consciously refrained from calling upon officials of the Registry or involving the Registry in an investigation concerning an alleged attempt to impersonate a Judge of the Supreme Court, particularly where the material facts could be ascertained from other sources.

118. Such restraint, viewed in its proper perspective, cannot readily be characterised as deliberate suppression of evidence or an attempt to shield the prosecution case from scrutiny. There is a significant distinction between failing to investigate a material fact and choosing not to multiply institutional witnesses where the relevant facts can be established through other evidence.

119. It may certainly be said that, from the standpoint of an ideal and exhaustive investigation, examination of Mr. PD Balodi from the Supreme Court Registry could have assisted in placing on

record the official position concerning the Judge, the functioning of the Registry and perhaps the circumstances surrounding any purported communication. It would have added another layer of completeness to the investigation. But the desirability of such examination cannot be transformed into an absolute legal necessity.

120. The Court must also be conscious that the mere production of a witness from the Registry would not have, by itself, established the falsity of the alleged communication or negate the allegation of impersonation. The core question remained whether the accused represented himself as a Supreme Court Judge/ his personal secretary, or otherwise attempted to use the authority and identity of that office to influence the judicial process. That question has to be answered on the basis of the substantive evidence available on record.

121. It bears mentioning here that criminal investigations cannot be judged with the benefit of perfect hindsight, requiring the Investigating Officer to examine every person who might remotely have contributed some additional information. The test is whether the omission has caused real and demonstrable prejudice to the accused or has resulted in the prosecution case being rendered inherently unreliable.

122. The constitutional stature of the Supreme Court, therefore, cuts both ways. It underscores the seriousness of an allegation involving impersonation of one of its Judges, but it also explains why an Investigating Officer may exercise institutional restraint in summoning or examining Registry officials unless their

testimony is demonstrably and indispensably necessary for establishing a material fact.

123. The Court must ultimately distinguish between what is desirable and what is indispensable. The constitutional majesty of the Supreme Court does not mean that every allegation concerning its Judges must be proved through a witness from the Registry. Nor does the absence of such a witness create, by itself, a vacuum in the prosecution case. What matters is whether the evidence actually brought before the Court establishes the relevant facts with the requisite degree of reliability. It is that evidentiary substance, rather than the mere number or institutional designation of witnesses examined, which must ultimately guide the judicial determination

124. In light of the preceding discussion, the above-said contention of the Ld. Defence Counsel is also, rejected.

<u>Corroboration of complainant's testimony by the electronic evidence and the circumstantial evidence</u>

125. The prosecution has successfully proven its case despite the investigative lapses. The testimony of the Ld. Judicial Officer does not stand in isolation. It finds substantial and meaningful corroboration from the electronic evidence (CDR) as well as from the surrounding circumstances brought on record by the prosecution. The case, therefore, is not one resting upon the uncorroborated testimony of a single witness; rather, the oral testimony, the electronic record and the circumstantial evidence converge towards a common factual narrative.

126. The complainant has consistently stated that she received calls from the particular mobile number (9996436762). The Call Detail Records independently establish the existence of calls between the said number and the mobile number of the complainant at the relevant time. Thus, the electronic record furnishes objective corroboration to the foundational part of her testimony. The CDR does not, of course, by itself disclose the identity of the person who was physically speaking on the telephone; however, it materially corroborates the complainant's assertion that the calls were, in fact, received from the particular number. The electronic evidence supplies the objective framework within which the oral testimony of the Ld. Judicial Officer has to be appreciated.

127. The significance of this corroboration becomes even greater when the electronic evidence is examined alongside the subsequent circumstances. The prosecution has placed on record the testimony of Subhash Rathi, Ct. Manjeet and HC Anoop, which assumes considerable importance in establishing the link between the accused and the mobile phone used to call the Ld. Judicial Officer. Their testimony, when read together with the electronic record, provides a connecting circumstance which bridges the gap between the existence of the calls from the particular number and the identity of the person allegedly using that number.

128. PW Subhash Rathi has categorically stated that he had given his SIM to Ct. Manjeet, who was his cousin, and the tower location of the said SIM reveals that the same was being used from Delhi. Ct. Manjeet has also admitted that this SIM card was being

used by him for downloading dump data. Consequently, the real question is not merely in whose name the number stood, but who was actually using the device on the day when the calls came to be made.

129. Ct. Manjeet and HC Anoop have testified that the accused had used the mobile phone around 01:00 PM on 28.04.2017, when they had gone out for lunch. They saw the accused using the phone when they returned after lunch. The testimony of these witnesses provides the necessary evidentiary link concerning the accused's use of the phone to call the Ld. Judicial Officer.

130. The testimony of Ct. Manjeet is particularly material in this regard. It was his phone which the accused Sukesh had used to make the call to the Ld. Judicial Officer that day. His testimony alongwith that of HC Anoop are not evidences which exist in silos. They operate in conjunction with the CDR and the testimony of the Ld. Judicial Officer, creating a chain of circumstances which is mutually reinforcing.

131. It is a settled principle of appreciation of evidence that individual pieces of evidence need not, in every case, independently establish the entire prosecution story. Circumstantial evidence derives its strength from the cumulative effect of circumstances which, when placed alongside one another, point towards the same conclusion. The Court is required to examine whether the circumstances are consistent with the prosecution version and whether they form a coherent and credible narrative.

132. The present evidence deserves to be assessed on that touchstone. In the present circumstances, the corroboration between the complainant's testimony and the electronic record, reinforced by the testimony of Subhash Rathi, Ct. Manjeet and HC Anoop regarding the accused's use of Ct. Manjeet's mobile phone, constitutes a compelling evidentiary matrix.

133. The prosecution case also gains strength from the circumstance of motive. The alleged communication was not an isolated or meaningless telephone interaction. It was allegedly made in the backdrop of an impending Court appearance of the accused before the Judicial Officer and was directed towards influencing the Judicial Officer in the exercise of her judicial discretion, whether to keep the accused in custody or to enlarge him on bail. The existence of a motive provides the contextual explanation for why the accused would seek to communicate with the Ld. Judicial Officer in the manner alleged.

134. Motive, by itself, may not constitute proof of guilt; however, where motive is established and is accompanied by direct testimony, electronic evidence and other connecting circumstances, it becomes a relevant link in the evidentiary chain. The Court is conscious that motive is ordinarily a circumstance of corroborative value and cannot substitute proof of the act itself. Nevertheless, where the prosecution has already placed before the Court evidence concerning the calls, the relevant mobile number, the use of Ct. Manjeet's mobile phone by the accused, and the testimony of the Ld. Ld. Judicial Officer having knowledge of that circumstance, the

existence of a plausible motive assumes significance. It supplies the background against which the other circumstances become intelligible.

135. It would be artificial to examine each of these circumstances in watertight compartments. Evidence is not to be appreciated by placing every piece of the prosecution case in isolation and then observing that no single piece, standing entirely alone, proves the whole case. The correct approach is to examine the cumulative effect of the evidence. When the complainant's testimony is found to be consistent; when the fact of calls is corroborated by the CDR; when witnesses testify that the accused was using the mobile phone of Ct. Manjeet; and when the surrounding circumstances disclose a motive for the alleged conduct, the evidentiary picture acquires a degree of coherence which cannot be brushed aside by pointing to one circumstance in isolation.

136. The Court must, of course, remain mindful that suspicion, however strong, cannot take the place of proof. But equally, the Court cannot disregard relevant corroborative circumstances merely because each circumstance, considered in isolation, may admit of an alternative explanation. The proper test is whether the evidence, viewed cumulatively and in its natural sequence, supports the prosecution case. The present case has passed this evidentiary muster.

<u>Evidentiary value of Leena Paulose's testimony and the absence of other defence witnesses</u>

137. In the present case, Leena Paulose, the wife of the accused Sukesh, who is also lodged in Mandoli prison at present, deposed that the accused Sukesh hadn't called her on 28.04.2017. The defence counsel has relied on her testimony to discredit the testimony of Ct. Manjeet, who stated that the accused had told him that he was speaking to his wife.

138. The fact that Leena Paulose is the wife of the accused cannot be treated as an automatic disqualification. Rather, it is one of several circumstances which require the Court to examine her evidence with particular care. It is trite that the mere relationship of a witness with an accused does not, by itself, render her testimony inadmissible. The question, however, is not one of admissibility but of credibility and weight. The Court is entitled, and indeed duty-bound, to examine the evidence of such a witness with heightened caution and to determine whether it inspires confidence when tested against the surrounding circumstances, independent evidence and inherent probabilities of the case. The principles embodied in the law of evidence permit the Court to scrutinise the credit of a witness and to assess whether the testimony deserves acceptance.

139. In the present case, the testimony of Leena Paulose cannot be regarded as independent and non- partisan testimony. Her relationship with the accused is familial/ spousal. Her relational proximity to the accused, her own involvement in criminal

proceedings where the present accused is also a co-accused, and her personal interest in protecting the accused constitute circumstances which necessarily bear upon the weight to be attached to her testimony. The Court must thus, bear in mind the obvious possibility of mutual interest and coordinated defence between persons who are closely associated with each other and who are facing criminal proceedings arising out of connected circumstances. Where the testimony of such a witness has the effect of exculpating the accused, the Court cannot accept it merely because it has been stated on oath. Oath does not, by itself, convert interested testimony into independent evidence. The law does not require the Court to shut its eyes to the circumstances surrounding a witness. Credibility is to be assessed, not presumed. A witness who has a demonstrable personal interest in the outcome of the proceedings may certainly be heard, but her evidence must earn acceptance through its intrinsic reliability and corroboration from trustworthy material.

140. Accordingly, Leena Paulose's testimony must be tested against the objective evidence available on record. It was nowhere the case of the prosecution that the accused had called his wife on 28.04.2017. Ct. Manjeet has only said that accused told him that he was talking to his wife but later, he came to know that the accused had used his phone to call the judicial officer. The calls to the judicial officer from Ct. Manjeet's phone are established from the CDRs placed on record.

141. Viewed in this manner, the testimony of Leena Paulose is neither relevant nor does it inspire the degree of confidence necessary to displace the otherwise reliable prosecution evidence.

142. Two other proposed defence witnesses namely Gopi and Manoharan remained unexamined. The revelation that one summoned defense witness (Gopi) had long passed away and the other (Manoharan) was an untraceable non-entity exposes a profound vacuum in the defense evidence. Consequently, this Court cannot attach any weight or legal credibility to assertions hinged upon the uncalled testimonies of a deceased individual and a non-existent witness. The defense version, deprived of these foundational pillars, remains uncorroborated, floating in the realm of unproven assertions.

The impersonation and attempt to interfere with the administration of justice and the message that Judiciary needs to send across:

143. The telephone calls received by the Ld. Judicial Officer were extraordinary in their nature and cannot be reduced to the level of an ordinary or random hoax call. The caller did not merely make an anonymous or frivolous communication; he assumed the identity of a Judge of the Supreme Court and, in that assumed capacity, sought to influence the Judicial Officer's exercise of judicial discretion by directing her to grant bail. The very nature, content and objective of the communication disclose an attempt to intrude upon the judicial decision-making process.

144. It is true that the Ld. Judicial Officer did not record the voice of the caller. However, this omission cannot, by itself, efface the other evidence concerning the calls, particularly where the receipt of the calls is corroborated by the electronic record and the surrounding circumstances. A Judicial Officer receiving an unexpected telephone call purporting to emanate from a Judge of the Supreme Court cannot reasonably be expected, at the very moment of receiving such a call, to anticipate that the conversation may subsequently become the subject of criminal investigation and therefore ought to be recorded.

145. The manner in which the caller assumed the identity of a Supreme Court Judge from Kerala also merits consideration. The choice of identity cannot be viewed entirely in isolation. The prosecution's case is that the accused himself being from South India, chose to impersonate as a Supreme Court Judge from South India, as it would have been easier to mimic his voice and accent. The alleged impersonation was thus not necessarily a spontaneous or random act; it bears the features of a carefully conceived design intended to make the deception appear plausible.

146. Most importantly, the caller did not stop at impersonation. The impersonation was allegedly coupled with a specific direction to the Judicial Officer to grant bail. The object, therefore, was not merely to deceive but to influence the exercise of judicial discretion in a particular case. The distinction is fundamental. A hoax call may be motivated by mischief, amusement or an intention to frighten; a call directing a Judicial Officer to grant

bail has a qualitatively different character because it seeks to interfere with the administration of justice itself.

147. The communication, therefore, cannot be viewed merely from the perspective of the inconvenience or embarrassment caused to the individual Judicial Officer. Such conduct has systemic implications. An attempt to impersonate a Judge of the Supreme Court and thereby influence a subordinate Judicial Officer strikes at the institutional integrity of the judicial process. If such conduct were to be dismissed as a mere prank or random hoax, the larger threat posed by attempts to manipulate judicial decision-making through deception would be seriously underestimated.

148. The circumstances surrounding the calls also permit an inference regarding *mens rea*. The assumed identity, the selection of the particular judicial persona, the communication with a serving Judicial Officer, the reference to a pending matter and, above all, the direction to grant bail are circumstances which, taken cumulatively, are capable of demonstrating a deliberate intention to deceive and influence rather than an accidental or innocuous communication.

149. The absence of a voice recording may constitute an evidentiary limitation, but it does not render the entire occurrence incapable of proof through other admissible evidence. The Court must assess the totality of the circumstances rather than permit a missing piece of evidence to obscure the larger evidentiary picture. The extraordinary nature of the calls, their specific judicial objective, the alleged deliberate choice of identity and the corroborative

circumstances together make it difficult to characterise the incident as a random hoax devoid of criminal intent.

150. The essential feature of the episode is that the caller sought to use the authority associated with the Supreme Court to alter the decision-making of another Judicial Officer. It is this attempted misuse of the image and authority of the highest constitutional court, coupled with a specific direction concerning the grant of bail, that gives the incident its grave and systemic character.

151. Though the accused has sought to make much of the fact that no bail application, as such, was pending on the record and has been produced before the Court, and has contended that, in the absence of any such application, no motive can be attributed to him for making the calls to the Judicial Officer, this contention, however, proceeds on an unduly narrow understanding of motive.

152. The existence of a formally filed bail application is not the only circumstance from which an intention to influence a Judicial Officer may be inferred. Motive is ordinarily a matter of inference from the surrounding circumstances and need not, in every case, be established by production of a particular document. The relevant question is whether the circumstances existing at the material time disclose a reason or objective which could have prompted the alleged conduct.

153. More importantly, the alleged telephone communication itself is stated to have contained a direction to the Ld. Judicial Officer to grant bail. The substance and object of the communication therefore assume greater significance than the mere existence of a

bail application in the judicial record. The absence of a formally produced bail application cannot, by itself, neutralise the significance of a call in which the caller allegedly impersonated a Judge of the Supreme Court and sought to influence the Judicial Officer in relation to the grant of bail.

154. The Court must also guard against viewing the events with the benefit of hindsight. A person intending to influence a Judicial Officer may act before a formal application comes to be placed on the judicial record, or may have knowledge of circumstances not yet reflected in the court file. The absence of a particular document from the record, therefore, cannot automatically establish the absence of motive.

155. In any event, motive is only one circumstance in the overall evidentiary assessment. Even if the defence succeeds in creating doubt regarding the precise source or existence of a formal bail application, that circumstance cannot, in isolation, discredit the testimony concerning the calls or the other corroborative evidence. The alleged impersonation, the identity assumed by the caller, the communication with the Judicial Officer and the direction allegedly given to grant bail have to be assessed cumulatively with the electronic and circumstantial evidence on record.

156. Thus, the defence contention that the absence of a produced bail application necessarily demonstrates the absence of motive is too broad. The absence of such a document may be a circumstance for consideration, but it is not determinative of the question whether the accused had an intention or reason to make the

alleged calls. Motive, where it exists, may emerge from the totality of the surrounding circumstances and need not invariably be proved through the production of the very document which the accused seeks to place at the centre of the inquiry.

157. The administration of justice in a constitutional democracy rest upon a fragile, invisible, yet unshakeable foundation: the absolute trust of the common citizen in the impartiality, independence, and unblemished integrity of the Bench. When the accused conceived the fraudulent design to impersonate a sitting Judge of the Hon'ble Supreme Court of India—deploying hoax calls, calculated deception, and sheer arrogance—he did not merely attempt to manipulate a judicial outcome. He sought to compromise the core identity of the third pillar of the Indian Democracy. By masquerading as a constitutional judge and attempting to issue directions from behind a phone screen was an act of institutional sacrilege committed by him. Accused Sukehs tried to convert the temple of justice into a marketplace of covert influence. In doing so he tried to tip the scales of justice by a shadowy phone call.

158. Despite the investigative lapses, which shall be elaborately dealt with in the succeeding paragraphs, the prosecution, through the CDR, and unassailable testimony of the complainant and other witnesses' accounts, has proved beyond a shadow of reasonable doubt that the accused authored, orchestrated, and executed this criminal scheme. His defense of denial stands completely dismantled in the face of overwhelming scientific and circumstantial proof.

159. The law must therefore, send an unequivocal, reverberating message: The robes of a judge are not a costume to be assumed by scamsters, nor is the judicial process a playground for transactional fraud. Those who attempt to trade upon the sacred name of the judiciary shall be met with the full, uncompromising weight of penal law.

<u>Investigative Lapses: Their Nature, Extent and Effect on the Prosecution Case:</u>

160. Realizing the egregiousness of the impersonator's conduct, the Ld. Judicial Officer had lodged the present complaint, believing that a thorough investigation, may unravel the entire criminal enterprise and send a strong and unequivocal signal that no conman, however inventive or popular, can manufacture a judicial office merely by introducing himself as its occupant and then attempt to obtain an advantageous judicial order by contaminating the decision-making process itself. The Ld. Judicial Officer did not treat the incident merely as a personal inconvenience or an unpleasant telephone call. She did what a Judicial Officer entrusted with the administration of justice ought to do: she placed the matter before the law. She filed a complaint on the next day, setting out the circumstances in which the call had been received and the manner in which the caller had sought to exercise influence over a pending judicial proceeding. The Ld. Judicial Officer also expressed the need for a thorough and effective investigation. Her concern was not merely to identify the individual who had made the call. The larger

concern was to thwart any further acts of deception or impersonation to interfere with the administration of justice. Her complaint was not a request to the investigating agency to perform a formal exercise in paperwork. It was a request to uncover an alleged attempt to interfere with the administration of justice.

161. When an ordinary citizen complains that someone has attempted to cheat or deceive him, the investigation concerns his individual grievance. However, when a Judicial Officer complains that an unidentified person has impersonated a Judge of the Supreme Court and attempted to influence her judicial decision, the matter acquires an institutional character. In the latter category of cases, the victim is not merely an individual Judicial Officer. The alleged target is the independence of judicial decision-making.

162. The State therefore, owed a higher duty of investigation. This qualitative distinction in the nature of the complaint should have been reflected in the quality, depth and seriousness of the investigation. Quite unfortunately, the investigation, as reflected from the record, appears to have fallen substantially short of that standard as the chargesheet reveals an investigation of disconcertingly modest ambition or aptitude. The irony behind such a superficial, shoddy, facile and infantile investigation is almost too obvious to miss.

163. Courts ordinarily hesitate to use such strong language while commenting upon an investigation, conscious as they are of the difficult circumstances in which the investigating officers discharge their duties. However, judicial restraint cannot become

judicial silence when the deficiencies are so material that they risked obscuring the truth. Judicial institutions cannot be protected by polite euphemisms when investigating agencies falter on material counts. Where the investigation is inadequate, the judicial order must record so. Where investigative leads have been deliberately, wantonly and callously ignored, the judicial order must record so. Where investigating officers showed a reluctance or ineptitude or lack of diligence in investigating the matter, the Court must call out such a conduct.

164. Where an allegation threatening the sanctity of judicial proceedings has been investigated in a perfunctory manner, this Court must not conceal that failure of the police to conduct a thorough investigation, beneath the comfortable language of procedural formality. This Court therefore considers it necessary to place these deficiencies on record in unambiguous terms.

165. In the present case, while a seasoned conman has gone to extraordinary lengths to subvert the judicial process (by weaponizing modern technology to impersonate a constitutional authority to get a favourable verdict), the Delhi Police has investigated the matter with utter indifference, investigative naivete and apathy. Such a shoddy investigation was not expected in a case where the alleged target was not merely an individual Judge, but the independence and credibility of the judicial process itself.

166. Given the gravity of the allegations levelled, the Police ought to have done a thorough investigation, marked by promptitude and due diligence. Where the offence itself was founded upon

deception and impersonation, the investigation officers were expected to conduct an investigation which was more penetrating than the deception itself. Yet, from the material placed before this Court, the investigation appears to have travelled only along the easiest road available to it (whose phone was used to call the landline and mobile number of the complainant), while the more consequential avenues which could have proven the prosecution's case even more conclusively than at present, have either not been explored with the seriousness required or have been left inadequately investigated. Even this perfunctory investigation was done in a belated fashion.

167. The Investigating Officers have reduced the investigation to the recording of a few statements (that too after the passage of 8-10 months), collection of readily available documents, and examination of the immediate telephone trail. The IOs didn't even record the statement of the complainant under Section 161 Cr.P.C., which is usually done in all criminal cases. They didn't even examine the staff members posted with the Ld. Judicial Officer on the day when the calls in question were received. They didn't even examine Mr. PD Balodi from the Supreme Court Registry. They also didn't collect the CDR of the judicial officer's mobile phone or the official landline installed in the Chamber. They failed to seize the CCTV footage of the Crime Branch office. They failed to recover the mobile phone and SIM card used to make the calls. They failed to investigate the circumstances under which the phone

of Ct. Manjeet went missing. They have failed to collect important documents from the case file of FIR No. 56/2017, PS Crime Branch.

168. The Investigating Officers have displayed an appalling apathy and tardiness in the investigation. The first IO has stated that he didn't take any investigative steps as there were oral directions not to take any investigative steps as the matter was to be transferred to Crime Branch. Even the IOs from Crime Branch, didn't examine the complainant and other witnesses, promptly. They recorded the statements of all witnesses after lapse of several months. They also interrogated and arrested the accused after several months. The explanation peddled by the IOs for the delay in recording statements and collecting relevant records, doesn't inspire much confidence. Rather, it shows a deliberate apathy to shield something, which would probably have put in dock one of their own i.e. Ct. Manjeet.

169. A very disconcerting aspect of the investigation done in the matter is that Ct. Manjeet has not been examined with necessary investigative rigour as was required in a case of this nature. Ct. Manjeet was a material witness because the mobile phone associated with the relevant number was connected to him. His testimony therefore required particularly careful and exhaustive investigation. The investigating officers ought to have elicited the precise circumstances in which the accused allegedly obtained access to the phone; the duration for which the phone remained outside Ct. Manjeet's possession; how did accused get internal access to the Smartphone; whether any other person had access to it; why didn't Ct. Manjeet report the matter to his seniors immediately; and why

didn't he lodge a complaint when the phone went missing. The failure to subject the evidence of such a material witness to the degree of scrutiny warranted by the circumstances represents a significant investigative deficiency.

170. The investigating officers ought to have made concerted efforts to recover the phone which was used by the accused for making the calls. However, no concrete efforts were made by the IOs to recover the instrument from which the hoax calls were made. The mobile handset itself, SIM-related material, call records, messages, contact lists, application data, voice spoofing applications, photographs, location information, device identifiers, and other relevant digital artefacts could potentially have provided a much clearer picture of the use of the phone by the accused. The failure to recover, seize and preserve such a material piece of evidence assumes considerable significance where the prosecution case itself turns substantially upon the use of a particular mobile phone. The investigating officers seem to have consciously turned a blind eye to the missing mobile phone, choosing to leave it unrecovered rather than confront the uncomfortable truths and inconvenient revelations its digital memory would undoubtedly lay bare.

171. Further, the omission to secure CCTV footage from the Crime Branch premises is another significant deficiency. If the prosecution case was that the accused obtained or used Ct. Manjeet's mobile phone within Crime Branch premises, CCTV footage could potentially have provided independent evidence regarding the movement of the persons concerned, the physical possession of the

handset and the circumstances in which the phone changed hands. The investigating officers ought therefore to have identified the relevant cameras, secured the footage for the material period, preserved the original data and documented its chain of custody.

172. The failure to collect CCTV footage from the Crime Branch premises assumes considerable significance in the facts of the present case. The Investigating Officers cannot simply say that CCTV footage was not available. The Hon'ble Supreme Court has repeatedly emphasised the necessity of installing CCTV cameras in police stations and police establishments as an important safeguard against abuse of authority and as a means of ensuring transparency and accountability in police functioning.

173. Against this legal and institutional backdrop, it appears inherently difficult to accept, without a far more searching inquiry, that no CCTV camera whatsoever was installed at the relevant premises of the Delhi Police Crime Branch, which is an office where serious and high-profile criminal cases are investigated and where accused persons are routinely brought, interrogated, produced and dealt with by police personnel. The Crime Branch is not an ordinary police outpost. It is a specialised investigative establishment entrusted with the investigation of serious and sensitive offences. The movement of accused persons, police officials and visitors within such premises is precisely the kind of activity which, in the modern policing environment, would ordinarily be expected to be subject to electronic surveillance. It was therefore necessary to ascertain, as a matter of fact: whether CCTV cameras were installed

at the relevant Crime Branch premises; the exact locations and coverage areas of such cameras; whether the cameras were operational on the relevant date and time; the retention period applicable to the footage; whether footage covering the relevant corridor, room, entrance, exit, interrogation area and adjoining locations existed; whether the footage was preserved when the allegations first came to light; who was responsible for preservation and retrieval of the footage; and if the footage was unavailable, what precisely happened to it and why.

174. The proposition that there was simply “no CCTV footage” cannot be accepted as a conclusion merely because the investigating officers say so. The absence of evidence is itself a fact requiring investigation when the existence of such evidence was reasonably foreseeable. This becomes particularly important because the CCTV footage could potentially have provided the most objective evidence concerning the circumstances in which the mobile phone of Constable Manjeet came into the possession or control of accused Sukesh. It could have established whether Constable Manjeet actually left the relevant area, whether the accused was left alone with the device, whether the phone was handed over, whether there was any interaction between them and what transpired immediately before and after the alleged use of the phone.

175. In such circumstances, failure to preserve or seize the footage is not a minor procedural omission. It concerns potentially decisive evidence. The Supreme Court’s insistence upon CCTV

coverage of police establishments was intended precisely to prevent situations in which important events occurring within police premises are left to competing oral versions. CCTV footage provides contemporaneous, objective evidence which can protect both the citizen and the police officer. If the footage would have exonerated Constable Manjeet, it ought to have been preserved and produced. If it demonstrated that the accused obtained access to the phone in circumstances consistent with the prosecution case, it would equally strengthen the prosecution. If, however, it reveals an interaction which neither side wishes to disclose, then its importance becomes self-evident. The answer cannot be to ensure that the footage does not form part of the record.

176. There is an important distinction between evidence not existing and evidence not being collected. The former may be unavoidable. The latter may reflect an investigative failure. And where the uncollected evidence could potentially establish the role of a police official, the failure assumes an altogether different significance.

177. It is therefore difficult to accept, without independent verification, the broad proposition that no CCTV footage was available from the Crime Branch premises. Given the nature of the establishment, the seriousness of the cases ordinarily investigated there and the Supreme Court's directions concerning CCTV surveillance of police establishments, the existence, location, operational status and preservation of CCTV footage ought to have been specifically investigated and documented. If there were

cameras, the footage must have been traced and preserved. If there were no cameras, the absence must be explained and documented in writing. If cameras existed but were non-functional, the reason ought to have been recorded in writing. If footage existed but was not preserved, responsibility ought to have been fixed. The chargesheet is absolutely silent on all these aspects.

178. The Court is not suggesting that the existence of CCTV footage, by itself, would have established the complicity of Ct. Manjeet. Nor can an adverse inference be drawn merely from the non-production of footage without first establishing the circumstances surrounding its availability and preservation. But precisely for that reason, the investigation could not have simply move past the CCTV issue as though it were irrelevant. It was the missing piece of the evidentiary puzzle which the investigating officers have failed to explain.

179. It is in this backdrop that one has to see whether the investigative deficiencies constituted ordinary investigative negligence or something more serious. A Court should not infer deliberate dereliction merely because an investigation was imperfect. Investigative incompetence, oversight and procedural shortcomings are unfortunately capable of occurring without any dishonest intention. A finding of deliberate dereliction requires a stronger evidentiary foundation. At the same time, where multiple obvious lines of inquiry remain unexplored, material evidence was not secured despite its apparent availability, important witnesses were not examined on crucial aspects, and material leads were repeatedly

ignored without explanation, the cumulative pattern may require closer scrutiny. Each individual lapse as noted above, may, in isolation, appear capable of being explained as an error of judgment, an omission arising from oversight, or an investigative choice. When viewed cumulatively, however, they reveal something more significant or maybe even sinister: a failure to pursue the investigation with the degree of rigour, objectivity and completeness which a case of the present nature demanded.

DIRECTIONS TO THE DELHI POLICE

180. **The investigative lapses noted in the present matter have institutional significance and warrant appropriate consideration by the competent authorities at Delhi Police. This is a case where there is a need for deep institutional introspection and reflection by the Delhi Police.**

181. **The Delhi Police would do well to examine how such investigative lapses came to occur; whether there were established protocols which ought to have been followed but were not; whether thorough supervisory scrutiny was exercised at the relevant stages; and whether any systemic safeguards can be introduced so that similar omissions do not recur. The purpose behind such a direction for institutional reflection is not punitive. Rather it is meant to be corrective and preventive.**

182. **Every investigation leaves behind a lesson. The more consequential the case, the more seriously that lesson must be received. A police organisation such as Delhi Police, which**

professes itself to be committed to professional excellence should be willing to examine not merely whether an investigation has technically been completed, but whether it has been meaningfully completed. It is for this reason that the lessons arising from the present matter should not be confined to the police officers who investigated this particular case. If the deficiencies identified by this Court are capable of recurring in other investigations, they merit consideration at the institutional level.

183. The Worthy Commissioner of Police, may, therefore, consider issuing suitable directions, developing training modules, issuing internal advisories or investigative protocols for preservation of electronic evidence, tracing of mobile devices, examination of relevant witnesses with promptitude, securing of CCTV footage and proper documentation of the movement and custody of material objects.

184. There is no intention in these observations to undermine or add to the difficult and often demanding work performed by the police. On the contrary, it is precisely to qualitatively improve its work, so that chargesheets filed are more fool-proof.

185. One must remember that the police and the courts are not adversaries in the administration of justice. They are different components of the same constitutional enterprise. A court can arrive at the truth only from the material placed before it; and the quality of that material depends substantially upon the quality of the investigation which precedes it. An inadequate investigation

consequently does not merely prejudice one case. It can impair the ability of the entire justice system to arrive at the truth.

186. **The Court, therefore, considers it appropriate to direct that a copy of this judgment be placed before the Worthy Commissioner of Police, Delhi, for such institutional examination and corrective measures as may be considered appropriate. He may personally examine the investigative lapses noticed herein, identify whether they arose from individual oversight or systemic deficiencies, and consider issuance of suitable directions that such errors are not repeated in future.**

187. Now this Court comes back to the fundamental question- what impact do the investigative lapses highlighted herein above, have on the present case. It is trite to state that a Court cannot permit deficiencies in investigation to become a shield behind which otherwise reliable and corroborated evidence is rendered nugatory. In the present case, the core of the prosecution's case remained credible, consistent and coherent. The imperfect investigation could not efface the otherwise credible evidence. Hence, the charges against the accused stand duly proved.

<u>The un-investigated role of Ct. Manjeet and whether the Conduct of Ct. Manjeet Warrants Fresh, Independent Departmental Scrutiny</u>

188. At this stage, this Court would like to discuss at some length, the un-investigated role of Ct. Manjeet as the material emerging on record raises questions regarding his role in the entire episode, which are too serious to be brushed aside by treating

Constable Manjeet merely as a negligent police official who happened to lose possession of his mobile phone.

189. The circumstances, taken cumulatively, disclose a far more disturbing possibility: that Constable Manjeet may not merely have been a victim of the misuse of his mobile phone, but may himself have played a facilitating role in enabling accused Sukesh to obtain access to the device and use it for the purpose for which it was ultimately employed.

190. This is not a conclusion of guilt. It is, however, a line of investigation which was not only available to the Investigating Officers but was imperative for them to pursue. The obligation of an investigation officer was not merely to establish the culpability of the person who is ultimately found holding the device or benefiting from the offence. It was equally to identify every person who may have facilitated, enabled, concealed or otherwise contributed to the commission of the offence.

191. In the present matter, the circumstances surrounding Constable Manjeet give rise to many interesting questions. The first and most fundamental question was: how did accused Sukesh obtain physical access to the mobile phone of Constable Manjeet? The prosecution case cannot logically end with the proposition that the accused somehow acquired access to a police official's smartphone and thereafter used it. A modern smartphone is not an open and freely accessible instrument. It ordinarily contains a password, PIN, pattern, biometric authentication or some other security mechanism. If, as the evidence suggests, the accused was able to gain internal

access to the smartphone and use its applications and functionalities, the investigation was required to ascertain how that access became possible.

192. The next line of questions are: Was the password known to the accused? Was the device handed over to him? Was it unlocked when handed over? Was the password disclosed to him? Was the phone routinely accessible to the accused? Did Constable Manjeet voluntarily leave the device in circumstances in which the accused could use it? Or did some other circumstance facilitate the accused's access? These are not peripheral questions. They go to the very heart of the offence. These questions warranted a deeper investigation by the IOs. These have however, remain untouched and this is what is most disconcerting about the investigation.

193. The circumstances become even more significant in view of the material suggesting that Constable Manjeet may have consciously gone out for lunch, or otherwise deliberately removed himself from the immediate vicinity, at the precise juncture when the accused allegedly had access to the phone. Had this been established by way of a thorough investigation, such conduct couldn't have been dismissed as an innocent coincidence. A person may accidentally lose a phone. A person may negligently leave it unattended. But where a phone belonging to a police constable subsequently becomes the instrument through which the accused allegedly performs an act of considerable consequence, the circumstances in which the phone became available to the accused required meticulous probe and reconstruction. Ironically however, the

investigation appears to have stopped at the most convenient point instead of proceeding towards finding answers to these uncomfortable questions.

194. What is interesting to note is that Constable Manjeet didn't lodge any complaint with his superiors at office when he discovered that the accused was talking on phone. If a police constable discovers that his personal mobile phone has been accessed and used by an accused person—particularly an accused person in circumstances involving an attempt to influence the administration of justice—he would ordinarily be expected to report the matter immediately to his superior officers. One would also expect him to bring the matter to the notice of the Judicial Officer concerned if the use of the phone had a bearing upon proceedings before the Court. Such a police official would also have to explain when he last possessed the phone, when he noticed accused using it, whether it was locked, whether accused or anyone else knew the password, and what he did when he found the accused using it. Likewise, when a police official's phone goes missing, one would expect such police official to lodge a complaint.

195. Yet, according to the material placed before the Court, Constable Manjeet did not immediately report that the accused had used his phone either to the senior police authorities or to the Judicial Officer. That silence assumes significance not because silence, by itself, establishes guilt, but because it is a circumstance which demanded investigation.

196. More inexplicable still is the alleged failure to lodge a missing-phone complaint when the phone went missing. A police official is not an ordinary member of the public unfamiliar with the importance of reporting the loss of a communication device. A police constable is expected to understand the evidentiary and security implications of losing a mobile phone, particularly one which may contain communications, contacts, applications and authentication credentials.

197. The failure to promptly report the disappearance of the device therefore, warranted a searching examination. Instead, it appears to have been treated as an incidental lapse. That approach is wholly disproportionate to the circumstances.

198. This Court believes that there is much more to this case than meets the eyes and it is perhaps to cover up the role of Ct. Manjeet in supplying the phone to the accused Sukesh, that the CCTV footage has not been seized by the IO. Where the prosecution case turns, even partly, upon the circumstances in which a police constable's mobile phone came into the possession or control of an accused, CCTV footage from the relevant police premises constituted objective and contemporaneous evidence. It could have established: when Constable Manjeet arrived and departed; whether he and HC Anoop actually went for lunch; whether he left his phone behind; whether accused Sukesh approached him; whether the phone was handed over; whether the accused was left alone with the device; whether Constable Manjeet returned; whether there was any interaction between the two; and, most importantly, whether the

accused obtained access to the phone in circumstances inconsistent with the theory of an entirely unauthorised acquisition. Yet the relevant CCTV footage was apparently not seized and preserved with the seriousness which such evidence demanded. Indeed, if the footage had the potential to expose the conduct of Constable Manjeet, the failure to secure it becomes all the more serious.

199. The Court is constrained to observe that the investigation appears to have been conducted with considerably greater eagerness towards establishing the role of the accused Sukesh than towards examining the possibility that a serving police official may have facilitated the circumstances which enabled the offence. That imbalance is deeply troubling.

200. The investigation ought not to have legitimately proceed on the assumption that accused Sukesh was the only and the principal accused. It should have endeavoured to explore the possibility whether there were other accessories to the crime.

201. An investigation must follow the evidence wherever it leads—even when that evidence could have led towards a member of the Delhi Police. The police cannot be permitted to investigate an allegation against one of its own personnel with a lower degree of scrutiny merely because doing so is administratively inconvenient or institutionally embarrassing. The police uniform cannot become a shield against investigation. If Constable Manjeet had no involvement whatsoever, a proper investigation would have vindicated him. If he was merely negligent, the precise nature and extent of his negligence could have been established. If he

knowingly facilitated the accused, the evidence should have exposed that role. If he subsequently concealed material facts, that too should have been brought on record. The Delhi Police has exonerated technically by not collecting the most crucial pieces of evidence.

202. On the face of the present material, Sukesh may be the person standing in the dock. But the unanswered questions surrounding Constable Manjeet suggest that the complete story may contain another character—one who, if the allegations are ultimately established, was not a helpless victim of the offence but a facilitator who was allowed to slip through the investigative net because he wore the same uniform as those who were entrusted with casting it. That possibility is too grave to be ignored. The effective abandonment of the investigation qua the role of Ct. Manjeet cannot be lightly countenanced and this Court cannot endorse such investigative selectivity.

203. The disciplinary censure reportedly administered to Constable Manjeet also appears wholly inadequate when viewed against the gravity of the circumstances requiring examination. A departmental censure may be appropriate for an ordinary lapse of care. But where the available material raises the possibility that a police official may have knowingly or recklessly enabled an accused person to obtain and use his mobile phone for an unlawful purpose, the issue transcends a mere disciplinary lapse.

DIRECTIONS TO THE DELHI POLICE

204. In these circumstances, the role of Ct. Manjeet warrants a deeper investigation by the Delhi Police. As the premier investigative agency of the National Capital, the Delhi Police carries a heightened institutional obligation to maintain an unblemished standard of integrity, transparency, and public trust. Its true test lies not merely in its ability to solve complex crimes, but in its courage to turn the mirror inward—demonstrating that its commitment to justice remains unyielding, even when the trail of accountability leads to its own officers.

205. Accordingly, the Worthy Commissioner of Police/ DCP concerned is specifically directed to re- examine the role of Constable Manjeet, by looking into the following aspects: 1. the exact circumstances in which the mobile phone was left behind by the Constable Manjeet; 2. the precise time and location at which the accused obtained access to it; 3. whether the device was locked or unlocked; 4. who all knew the password, PIN or other authentication credentials; 5. whether any password or authentication information was communicated to the accused; 6. the movements of Constable Manjeet and the accused during the relevant period; 7. the circumstances in which the phone went missing subsequently; 8. the conduct of Constable Manjeet immediately after discovering the alleged use or disappearance of the phone; 9. the reasons for the absence of a prompt missing-phone complaint; 10. the reasons why the use of the phone was not immediately reported to senior police

officers or the Court; 11. whether any other police personnel were aware of the circumstances; 12. whether any material evidence relating to the phone was deliberately omitted from the investigation; and 16. whether fresh departmental or criminal proceedings are warranted against Constable Manjeet for having facilitated the commission of the present offence.

<u>FINDINGS ON THE CHARGES FRAMED AGAINST THE ACCUSED</u>

206. Upon a careful and anxious consideration of the entire evidence on record, this Court is satisfied that the prosecution has succeeded in proving the guilt of the accused, Sukesh Chandrasekhar, beyond reasonable doubt. The evidence, when viewed cumulatively and in its proper perspective, does not disclose a mere instance of an imprudent telephone call or an isolated act of misrepresentation. It reveals a deliberate, calculated and audacious attempt to impersonate a person holding the highest judicial office and, by assuming such false identity, to interfere with the administration of justice and to influence the exercise of judicial discretion. The accused did not merely represent himself as somebody else; he deliberately clothed himself with the authority and institutional stature of a Judge of the Supreme Court of India, an office which commands constitutional respect and public confidence, with the specific object of inducing the learned Judge to act upon that false representation.

207. The offence under Section 170 IPC stands established by the prosecution through cogent and consistent evidence demonstrating that the accused falsely personated a public servant and acted under such assumed character. The manner in which the call was made, the identity falsely assumed, the authority purportedly exercised and the direction sought to be conveyed to the learned Judge constitute a complete and deliberate assumption of the character of a public servant. The impersonation was not incidental to the transaction; it was the very instrument through which the accused sought to achieve his unlawful objective. The false identity was invoked precisely because the accused understood that the words of a Supreme Court Judge would carry an authority which his own identity could never command.

208. The prosecution has likewise established the ingredients of Section 189 IPC. The communication was not an innocent request, nor a representation made in the ordinary course of affairs. It was a calculated attempt to induce a judicial officer, by invoking the supposed authority of a superior constitutional court, to exercise her judicial discretion in a particular manner. The very essence of the conduct was to create an apprehension of institutional consequence and thereby procure compliance with the direction conveyed. The law cannot permit the authority of a constitutional office to be converted into a weapon for exerting pressure upon a judicial officer. An attempt to influence the exercise of judicial power by falsely invoking the authority of another Judge strikes at the very heart of the administration of justice.

209. The ingredients of Section 507 IPC are also made out. The communication was made in circumstances in which the identity of the caller was concealed and the accused sought to communicate through a mode calculated to prevent his true identity from being immediately known. The anonymity was not accidental; it was integral to the design. The accused sought to derive strength from a false identity while simultaneously concealing his own. Such conduct squarely attracts the mischief sought to be prevented by Section 507 IPC, particularly when the anonymous communication is employed as a vehicle for intimidation or unlawful influence.

210. This Court is conscious that criminal jurisprudence demands proof beyond reasonable doubt and that suspicion, however grave, cannot substitute proof. The present case, however, does not rest upon suspicion. The prosecution evidence forms a coherent and mutually reinforcing chain which points only towards the guilt of the accused. All aspects have been discussed herein above. The circumstances proved on record are not isolated fragments; they converge upon one conclusion—that the accused consciously assumed a false judicial identity, used that identity to communicate with a sitting judicial officer and sought to manipulate the judicial process for an extraneous purpose. There is no reasonable hypothesis consistent with innocence which can satisfactorily account for the entirety of this conduct.

211. What makes the conduct particularly grave is the institution that the accused chose to impersonate. The Supreme Court of India is not merely another public office. It represents the

constitutional promise of justice and occupies a position at the summit of the judicial hierarchy. To impersonate a Judge of that Court is therefore not merely to misrepresent one's identity; it is to appropriate, even if momentarily, the authority and institutional credibility of the judicial system. The accused sought to use that borrowed authority not for any legitimate purpose, but to procure a judicial outcome favourable to himself. The brazenness of the attempt cannot dilute the offence; rather, it demonstrates the deliberateness with which the criminal design was executed.

212. The Court also finds it necessary to record that the conduct of the accused constitutes a direct affront to the independence and sanctity of the judicial process. Courts decide cases on the basis of law and evidence, not on the basis of telephone calls purporting to emanate from persons occupying positions of authority. If such attempts were permitted to pass as mere acts of deception, it would embolden persons who seek to circumvent the courtroom by manufacturing authority outside it. The judicial process cannot be allowed to become vulnerable to such manufactured commands, however sophisticated or audacious the impersonation may be.

213. At the same time, the conviction recorded herein rests not upon the status of the person impersonated, nor upon the notoriety or antecedents of the accused, but upon the evidence led in the present case and the ingredients of the offences charged. The Court has independently examined the evidence and has found the prosecution case proved to the requisite criminal standard. **The**

accused is therefore held guilty and is hereby convicted for offences punishable under Sections 170, 189 and 507 of the Indian Penal Code.

214. The present case shall for posterity remain a reminder that the majesty of law does not reside in the voice of an individual, however authoritative it may sound over a telephone, but in the integrity of the judicial process itself. A courtroom may be entered through its doors, but justice cannot be entered through the backdoor of impersonation, intimidation or manufactured authority. The accused attempted precisely such a backdoor entry into the judicial process. The evidence has closed that door.

215. **Let the convict be heard on the point of sentence on 27.08.2026.**

216. **Copy of this Order be given dasti to the convict / Ld. Counsel for the convict free of cost, forthwith.**

HARSHITA MISHRA

Digitally signed by HARSHITA MISHRA
Date: 2026.08.20 15:15:40 +0530

ANNOUNCED IN THE OPEN COURT ON 20.08.2026

(HARSHITA MISHRA)
CJM (CENTRAL)/DELHI

HARSHITA MISHRA

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Date: 2026.08.20 15:15:45 +0530

Containing 121 pages all signed by Ld. Presiding Officer

(HARSHITA MISHRA)
CJM (CENTRAL)/DELHI