

## News

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**A criminal case against an MLA who allegedly used a phony SC certificate to run for office has been reinstated by the Supreme Court.**



The case began in 2014, and the court ordered the trial court to continue with it and finish the trial within a year.

A Madhya Pradesh High Court ruling that dismissed criminal charges against former MLA Rajendra Singh and others for obtaining a forged Scheduled Caste (SC) certificate in order to run for office in Madhya Pradesh's Guna Assembly Constituency was overturned by the Supreme Court on Tuesday [**Komal Prasad Shakya v. Rajendra Singh & Ors**].

**A bench consisting of Justices KV Viswanathan and BV Nagarathna stated,**

It was not possible to conclude from a reading of the complaint and the unimpeachable documents that there was no crime under Sections 420, 467, 468, and 471 read with Section 120B, IPC, against accused Amrik Singh, Harvir Singh, and Smt. Kiran Jain, or that there was no crime under Sections 420, 467, 468, and 471 read with Section 120B, IPC, against accused Rajendra Singh. The final verdict will undoubtedly depend on additional evidence presented throughout the trial. Stated differently, the complaint against the four accused could not be quashed on a demurrer.

The trial court was ordered by the court to continue with the 2014 case and to wrap up the trial within a year.

The lawsuit stems from claims that Rajendra Singh, a candidate from the general category, applied for the 2008 Guna (SC) Assembly seat using a forged caste certificate. Singh, his father Amrik Singh, and other individuals were accused of plotting to falsify affidavits and documents in order to obtain the certificate. A Tehsildar, Patwari, SDO, councillor Kiran Jain, and Harvir Singh of the Gurudwara Management Committee were among the local officials and others charged with conspiring to obtain fraudulent certifications.

Since there was no evidence that Singh or his family had lived in Madhya Pradesh prior to 1950, which is a requirement for SC designation, the Caste Certificate Scrutiny Committee in Bhopal concluded in 2011 that Singh's certificate had been unlawfully obtained. The Committee also suggested disciplinary action against the officers involved and called attention to procedural violations by revenue authorities, including missing records and lack of verification.

**In 2013, the Supreme Court and the Madhya Pradesh High Court rejected challenges to the Committee's conclusions.**

A private criminal complaint alleging cheating, forgery, and criminal conspiracy was subsequently filed in 2014 under Sections 415, 416, 420, 467, 468, 471, and 120-B of the Indian Penal Code (IPC).

After taking notice, Chief Judicial Magistrate Guna dismissed the charge against others and summoned Rajendra Singh, Amrik Singh, Harvir Singh, and Kiran Jain. To stop the proceedings, the accused petitioned the Madhya Pradesh High Court.

The High Court granted their pleas in June 2016, concluding that there was no proof of

cheating or falsification. It stated that any discrepancies may be ascribed to **"legal illiteracy"** rather than criminal intent, and that the family might have honestly thought they were members of the **Sansi caste**.

The Supreme Court disagreed, noting that the High Court had formed speculative conclusions about the accused's knowledge and intent during a **"mini-trial"** during the quashing stage.

**"The conclusions regarding legal illiteracy are speculative and obviously false. Furthermore, it is likewise unacceptable to document that no proof was presented at the point of exercising authority under Section 482.**

The Court noted that the accusations could not be thrown out at the threshold, rejecting the claim that the complaint was a "witch-hunt." It further stated that the prosecution of the accused could not be stopped at this point.

**"The evidence presented will determine whether the offenses will be proven at trial. It cannot be asserted at this point that there is a case to stop the prosecution of these accused people in its tracks,"** the judgment stated.

The Bench made it clear that neither its nor the High Court's conclusions should have an impact on the trial's outcome.

The appellant was represented by attorneys Manju Jetley, Anuj Bhandari, Gaurav Jain, and Disha Bhandari.

**Senior Advocate Ruchi Kohli, Additional Advocate General DS Parmar, and the following advocates appeared on behalf of respondents: Jatin Malik, Rajesh Singh, Yashraj Singh Bundela, Pratima Singh, Saloni Singh, Arpit Garg, Aditya Vaibhav Singh, Pashupathi Nath Razdan, Astik Gupta, Maitree Jagat Joshi, Akansha Tomar, Anuj Bhandari, Gaurav Jain, Disha Bhandari, Manish Kumar Srivastava, Santosh Ramdurg, Birendra Kumar Mishra, and Sirajuddin.**