

**IN THE COURT OF MS. JYOTI MAHESHWARI,**  
**ADDITIONAL CHIEF JUDICIAL MAGISTRATE-05,**  
**ROUSE AVENUE DISTRICT COURT, NEW DELHI**

**CBI Vs. SHIVAJI YADAV**

Case No. **CBI/20/2021; RC No.SI/220/S0008**

CNR No. **DLCT12-000048-2021**

Under Sections: **419/420/467/468/471 IPC**

Date of Institution : **09.10.2021**

Date of Reserving : **28.02.2026**

Date of Pronouncement : **30.03.2026**

|    |  |   |   |
|----|--|---|---|
| a) | Serial number of the case                          | : | CBI/20/2021   |
| b) | Period of commission of offence                    | : | June 2019   |
| c) | Name of the complainant                            | : | Sh. Sanjay Sharma, Addl. Superintendent of Police, CBI, SCB, Lucknow.   |
| d) | Name, parentage and address of the accused persons | : | Shivaji Yadav, S/o Sh. Shyam Kesh Yadav, the then Village Keshavpur, Post-Barji, PS-Maharajganj, District Jaunpur, UP-222145. |
| e) | Offence complained of                              | : | 419/420/467/468/471 IPC   |
| f) | Plea of the accused                                | : | Accused pleaded not guilty and claimed trial.   |
| g) | Final Order  | : | <b>CONVICTION</b>   |
| h) | Date of Decision                                   | : | <b>30.03.2026</b>   |

| <b>INDEX OF THE JUDGMENT</b> |  |                 |
|------------------------------|--|-----------------|
| <b>S.No.</b>                 | <b>Particulars</b>   | <b>Page No.</b> |
| <b>1.</b>                    | <b>Case of the Prosecution</b>   | 4               |
| <b>2.</b>                    | <b>Notice</b>  | 7               |
| <b>3.</b>                    | <b>Prosecution Evidence</b>  | 8               |
| <b>4.</b>                    | <b>Statement of the accused u/S 313 CrPC</b>                                       | 16              |
| <b>5.</b>                    | <b>Defence Evidence</b>  | 17              |
| <b>6.</b>                    | <b>Final Arguments</b>   | 19              |
| I)                           | Arguments raised by Ld. PP for CBI.  | 19              |
| II)                          | Arguments raised by Ld. LADC for the accused.                                      | 21              |
| <b>7.</b>                    | <b>Analysis and Findings</b>   | 24              |
| <b>A</b>                     | <b>The alleged commission of offence u/S 465, IPC.</b>                             | 25              |
| (i)                          | The GEQD report in the present case.   | 29              |
| (ii)                         | Effect of non-attribution of signature (Q1) to the accused.                        | 32              |
| (iii)                        | The testimonies of prosecution witnesses, u/S 47 of the Indian Evidence Act, 1872. | 36              |
| <b>B</b>                     | <b>The alleged commission of offence u/S 471 IPC.</b>                              | 41              |

|           |  |           |
|-----------|--|-----------|
| <b>C</b>  | <b>Other contentions raised on behalf of the accused.</b>      | <b>45</b> |
| (i)       | Non-examination of Sh. Yogi Adityanath.                        | 46        |
| (ii)      | The alleged search dated 21.12.2020 being illegal in nature.   | 48        |
| (iii)     | The continuous transfer of investigation between UP and Delhi. | 50        |
| <b>8.</b> | <b>Conclusion</b>  | <b>53</b> |
| <b>9.</b> | <b>Annexure</b>  | <b>55</b> |
| <b>A.</b> | <b>List of witnesses examined.</b>                             | <b>55</b> |
| <b>B.</b> | <b>Standard chart of exhibited documents.</b>                  | <b>57</b> |

## **JUDGMENT**

*The misuse of the names of public functionaries is often dismissed as trivial, yet when it assumes the form of a forged official act, it strikes at the very foundation of public trust.*

1. Vide this Judgment, the Court shall determine whether the accused Shivaji Yadav is guilty of the offences punishable, u/S 465/ 471 IPC, for which he has been charged in the present case.

### **CASE OF THE PROSECUTION**

2. The genesis of the present case lies in a letter dated 10.06.2019, purportedly signed and addressed by Sh. Yogi Adityanath, Chief Minister of U.P to Sh. Narendra Modi, the Hon'ble Prime Minister of India, for allotting a BJP ticket to the accused Shivaji Yadav from Lucknow Cantt. Assembly constituency in the 2019 bye-elections of the State Assembly of Uttar Pradesh.

3. The present case was registered on 18.12.2020, on a written complaint filed by Sh. Sanjay Sharma, Addl. Superintendent of Police, CBI, SCB, Lucknow, pursuant to the Preliminary Enquiry (PE), conducted by him. The said PE was registered on 26.09.2019, after the receipt of a letter from the

Prime Minister's Office (PMO), New Delhi requesting the Joint Director (Policy) Division, CBI to initiate investigation.

4. During the course of investigation, it was revealed that *vide* letter dated 10.06.2019 and bearing No. O-428/CM-1/2019, the above request was purportedly made by the CM of UP to the Hon'ble Prime Minister. The said letter was processed in PMO, New Delhi and it was ascertained that the said letter, was a fake/ forged document. Consequently, Sh. P.K. Issar, the-then Assistant Director, PMO *vide* letter/ complaint File no. C-13016/25/2019-ADMN dated 08.08.2019, requested the Joint Director (Policy), CBI, New Delhi to lodge a complaint for initiating enquiry/ investigation as per law, in the above case.

5. It also transpired during investigation that the letter bearing No. O-428/CM-1/2019 dated 10.06.2019 was issued and addressed under the genuine signatures of Sh. Yogi Adityanath, CM of UP to Dr. S Jaishankar, Minister of External Affairs, Government of India, New Delhi. During investigation, the documents containing questioned and admitted handwritings were sent to CFSL for analysis and it was opined that certain portions of the letter in question, were in the handwriting of accused Shivaji Yadav. Additionally, it was also confirmed from the officials posted in the CM office, Lucknow that the alleged

letter was neither issued from the CM office, Lucknow nor did it bear the genuine signatures of Sh. Yogi Adityanath, CM of UP.

6. Moreover, it was also revealed during investigation that the mobile number i.e. 7860347186 mentioned in the alleged letter, was issued in the name of accused Shivaji Yadav. Further, the mobile number 9169931514 which was mentioned in the envelope, vide which the alleged letter was dispatched to the office of Prime Minister, was also issued in the name of accused Shivaji Yadav. Additionally, the location of Mobile No. 7860347186 of accused Shivaji Yadav, on the afternoon of 13.06.2019 i.e. the date of dispatch of the letter, was in Badlapur area, from where the alleged letter was sent through Speed Post bearing No. CU183157063IN from Sub Post Office, Badlapur, Distt. Jaunpur (UP) at 14:43 hours.

7. The investigation also unravelled that the accused Shivaji Yadav was helping the local residents of his village in preparation of their Caste Certificate, Income Certificate, Domicile Certificate and filling up of online forms of various candidates for the competitive examinations etc. The accused was also running a *Jan Sunwai Karyalaya* at his residence, and was actively involved in local politics. Additionally, the accused had unsuccessfully contested the Block Development Council (BDC) elections from Village Raipur in the year 2015-16 and

was making attempts to secure a BJP ticket in the upcoming bye-elections of UP Assembly, 2019.

8. Pursuant to the completion of investigation, a charge-sheet alleging the commission of offences punishable u/S 419/ 420/ 467/ 468/ 471 IPC by accused Shivaji Yadav, was filed before this Court on 18.08.2021.

9. The Court took cognizance of the offences, as disclosed in the charge sheet, and accordingly, the accused Shivaji Yadav was summoned vide Order dated 06.04.2022.

### NOTICE

10. Vide a detailed Order dated 29.06.2022, it was held that *prima facie* commission of offences punishable u/S 465/471, IPC by the accused Shivaji Yadav, was made out in the present case, and the accused was discharged for the offences punishable u/S 419/420/ 467/ 468, IPC. Accordingly, Notice u/S 251 CrPC for the commission of offences u/S 465/471, IPC was framed against the accused Shivaji Yadav, to which he pleaded not guilty and claimed trial.

## PROSECUTION EVIDENCE

11. The prosecution, in order to prove and substantiate its case, has examined 20 witnesses, whose details are provided below:

- **PW-1 Vinod Kumar Maurya:** The witness was working as a Postal Assistant at Badlapur Post Office, Jaunpur, UP in 2019 and had booked the letter in question at Badlapur Post Office, for the same to be sent to the intended recipient i.e. Prime Minister's Residence, New Delhi. The witness identified the envelope (D-6), which was used to send the letter in question and the said envelope was exhibited as **Ex.PW-1/1**.

- **PW-2 Bhaskar Chandra Kandpal:** The witness was working as an Under Secretary, Chief Minister's Office (CMO), Lucknow since 01.08.2019, and identified the signatures of Sh. Yogi Adityanath, as he had seen various documents signed by him, during the course of his duties. The witness had also handed over the original Dispatch Register ("O" Register, 2019) to CBI during the course of investigation. He exhibited the following documents in his deposition:

| S. No. | Exhibit No.             | Description   |
|--------|-------------------------|---|
| 1.     | <b>Ex.PW-2/1 (D-20)</b> | Letter No. UO-659/CM-1-2020 dated 28.12.2020 addressed to Deputy SP, CBI, SCB, Lucknow by PW-2. |

|    |                         |   |
|----|-------------------------|---|
| 2. | <b>Ex.PW-2/2 (D-21)</b> | Dispatch Register (“O” Register, 2019).   |
| 3. | <b>Ex.PW-2/3 (D-18)</b> | Letter No.428/CM-1/2019 dated 10.06.2019 issued under the signatures of Sh. Yogi Adityanath to Sh. S. Jaishankar. |
| 4. | <b>Ex.PW-2/X (D-6)</b>  | Alleged forged letter N. 428/CM-1/2019 dated 10.06.2019 and addressed to the Hon’ble Prime Minister.              |

- PW-3 Mahendra Vikram Singh:** The witness was working as a Review Officer in the office of Chief Minister-1, Lucknow, U.P and deposed about the process of dispatching letters from the CM Office. The witness also identified the signatures of Sh. Yogi Adityanath, as he had seen various documents signed by him, during the course of his official duties.
- PW-4 Pramod Singh Yadav:** The witness was working as an Assistant Review Officer in the CM Office, U.P since August, 2020. The witness was also maintaining the “O” Register of CM Office, U.P, which contained the details of outward letters addressed to Ministers of Government of India and State Ministers. The witness identified the entries at serial no. 427 and 428 dated 10.06.2019 in the “O” Register, 2019 and deposed that the entries were in his handwriting. The said entries were identified as **Ex.PW-4/A** during the testimony of the witness and he also identified the signatures of Sh. Yogi Adityanath, as he had seen various documents signed by him, during the course of his employment in the CM Office.

- **PW-5 Lakshmi Chandra:** The witness was working as a Section Officer in Prime Minister's Office (PMO) and deposed about the entry made by him in Internal Electronic Office Portal, regarding receipt of the letter in question (**Ex.PW-2/X**) at PMO. He identified the printout of the said entry and his signature on the entry and the said printout (**D-8**) was identified as **Mark PW-5/A**.
- **PW-6 Prashant Kumar Sona:** The witness was deployed in the office of Ministry of External Affairs as Under Secretary, in 2021. The witness had handed over the original letter dated 10.06.2019, received from Chief Minister's Office, U.P on 13.06.2019 and identified his signatures on the letter (**D-16**), sent by him to CBI, during the course of investigation. The letter bearing no. 87/EAM/2021 dated 07.01.2021 (**D-16**), through which certain documents (**D-17 to D-19**) were handed over to CBI, was identified as **Ex.PW-6/A** during his testimony.
- **PW-7 Purshotam Kumar Issar:** The witness was posted as Assistant Director in PMO from 2017 to 2021 and had sent a letter dated 08.08.2019 (**D-4**) to Joint Director, CBI (Policy Division), New Delhi for lodging a complaint regarding the suspicious nature of the letter in question (**Ex.PW-2/X**). The witness also provided various documents to CBI, during the

course of investigation and exhibited the following documents in his deposition:

| <b>Sr. No.</b> | <b>Exhibit No.</b>                      | <b>Description</b>   |
|----------------|---|--|
| 1.             | <b>Ex.PW-7/A (D-4)</b>                  | Letter dated 08.08.2019, sent by PW-7 to Joint Director, Policy, CBI, New Delhi.                     |
| 2.             | <b>Ex.PW-7/B (D-5)</b>                  | Letter dated 16.10.2019, sent by PW-7 to SP, CBI, SCB, Lucknow, during investigation.                |
| 3.             | <b>Ex.PW-7/C (D-7)</b>                  | Letter dated 24.12.2020, sent by PW-7 to Arun Rawat, Dy.SP, CBI, SCB, Lucknow, during investigation. |
| 4.             | <b>Ex.PW-7/D colly (02 pages) (D-9)</b> | Letter dated 04.03.2021, sent by PW-7 containing the certificate u/S 65B, Indian Evidence Act.       |

- **PW-8 Sanjeev Srivastava:** The witness was working as a Nodal Officer in Vodafone Idea Limited, U.P East Circle. He supplied certain documents including CDRs and CAFs to Sh. Devender Singh, SP, CBI-SCB, Lucknow and exhibited the following documents in his deposition:

| <b>Sr. No.</b> | <b>Exhibit No.</b>              | <b>Description</b>   |
|----------------|---------------------------------|--|
| 1.             | <b>Ex.PW-8/1 (D-23)</b>         | Letter dated 28.12.2020 sent by PW-8 to Sh. Devender Singh, S.P. CBI-SCB, Lucknow. |
| 2.             | <b>Ex.PW-8/2 (colly) (D-26)</b> | CDR for mobile No. 7860347186 for the period 01.09.2018 to 29.09.2019.             |
| 3.             | <b>Ex.PW-8/3 (D-28)</b>         | CDR for mobile No. 9169931514 for the period 01.06.2019 to 14.10.2019.             |
| 4.             | <b>Ex.PW-8/4 (D-24)</b>         | Certificate u/S 65-B, Indian Evidence Act.   |
| 5.             | <b>Ex.PW-8/5 (D-25)</b>         | CAF for mobile No.7860347186 .   |
| 6.             | <b>Ex.PW-8/6 (D-27)</b>         | CAF for mobile No. 9169931514.   |

|    |                         |   |
|----|-------------------------|---|
| 7. | <b>Ex.PW-8/7 (D-29)</b> | Letter dated 22.01.2021 containing Cell ID details/tower locations addressed by PW-8 to the IO. |
|----|-------------------------|---|

- **PW-9 Harsh Raj Srivastav:** The witness was working as an Officer in Canara Bank in 2020 and was a witness to the search conducted at the residence of accused Shivaji Yadav on 21.12.2020. He exhibited the following documents in his deposition:

| Sr. No. | Exhibit No.                                  | Description   |
|---------|--|---|
| 1.      | <b>Ex.PW-9/1 (D-13)</b>                      | Search List dated 21.12.2020  |
| 2.      | <b>Ex.PW-9/2 to Ex.PW9/52 (D-14) (colly)</b> | Various documents and letters seized, during the search at the premises of the accused. |
| 3.      | <b>Ex.PW-9/53 (D-14 at page 275)</b>         | Envelope mentioning the address of Shivaji Yadav.                                       |

- **PW-10 Sandeep Singh:** The witness was posted in CRPF Bhadranchal, Andhra Pradesh in 2020 and was a neighbour of accused Shivaji Yadav since the last 10-15 years. The witness identified the handwriting of accused Shivaji Yadav on the envelope (**Ex.PW-1/1**) and deposed that though the envelope bears his name, he did not send the same as he was in Mumbai on the date; the letter in question (**Ex.PW-2/X**) was dispatched from Badlapur. The witness also deposed that both the mobile numbers i.e. 7860347186 and 9169931514, were used by the accused.

- **PW-11 Vishal Yadav:** The witness was a friend of accused Shivaji Yadav and deposed about the mobile numbers used by the accused. The witness deposed that he could not identify the handwriting of accused Shivaji Yadav, as he had not paid any particular attention to his handwriting and resiled from his statement u/S 161 CrPC. The statement of the witness u/S 161 CrPC was identified as **Mark PW-11/1**.

- **PW-12 Dhruw Mishra:** The witness was working in M/s We Win Ltd. as Project Head and deposed that his company was awarded the tender for running the CM Helpline, under the Government of Uttar Pradesh.

- **PW-13 Sanjay Sharma:** The witness is the complainant in the present case and was posted in CBI, SCB, Lucknow, as an Additional Superintendent of Police in 2019-2020. The witness had conducted the Preliminary Enquiry (PE), in the present case and exhibited the following documents in his deposition:

| Sr. No. | Exhibit No.        | Description  |
|---------|--------------------|--|
| 1.      | Ex.PW-13/1 (D-1)   | Complaint dated 18.12.2020, addressed to HoB, CBI, SCB, Lucknow.                   |
| 2.      | Ex.PW-13/2 (D-3)   | Handing over, Taking over Memo dated 22.12.2020.                                   |
| 3.      | Ex.PW-13/3 (D-10)  | Letter dated 18.10.2019 by Sh. Vishakh G., Special Secretary, CMO, Lucknow to CBI. |
| 4.      | Ex. PW-13/4 (D-11) | Letter dated 08.11.2019, addressed to PW-13 by PW-2.                               |

|    |                          |   |
|----|--------------------------|---|
| 5. | <b>Ex.PW-13/5 (D-12)</b> | Preliminary Enquiry Registration Report dated 26.09.2019, which was entrusted to PW-13. |
|----|--------------------------|---|

- **PW-14 Amresh Tripathi** : The witness was posted as a Sub-Inspector at Police Station Gautampalli, Lucknow, UP and conducted investigation in FIR No. 90/19, PS: Gautampalli, Lucknow, UP, wherein the present accused Shivaji Yadav was also charge-sheeted. The witness identified **D-15**, i.e. letter dated 25.12.2020 of SHO, Police Station, Gautampalli, Lucknow addressed to CBI, SCB, Lucknow alongwith general diary entry as **Ex.PW-14/1 (colly)**, during his deposition.

- **PW-15 Anil Sharma**: The witness was posted as Assistant Director & Scientist-C at CFSL, Shimla, Himachal Pradesh and had prepared the CFSL report in the present case. The witness identified the following documents in his deposition:

| Sr. No. | Exhibit No.              | Description   |
|---------|--------------------------|---|
| 1.      | <b>Ex.PW-15/1 (D-32)</b> | Specimen handwriting/ signatures of accused Shivaji Yadav.                                    |
| 2.      | <b>Ex.PW-15/2 (D-30)</b> | Letter dated 01.03.2021, <i>vide</i> which the CFSL report was forwarded to SP, CBI, Lucknow. |
| 3.      | <b>Ex.PW-15/3 (D-31)</b> | CFSL Examination Report dated 26.02.2021, prepared by PW-15.                                  |

- **PW-16 Dinesh Mohan Sharma**: The witness was posted as Superintendent of Police in SC-I, CBI, New Delhi in 2020. He

deposed that the RC in the present case was registered during his tenure, under his signature. He exhibited the following documents in his deposition :

| Sr. No. | Exhibit No.      | Description  |
|---------|------------------|--|
| 1.      | Ex.PW-16/1 (D-1) | FIR/ RC dated 18.12.2020.  |
| 2.      | Ex.PW-16/2 (D-2) | Letter addressed to HoB, CBI, SCB, Lucknow, for transfer of investigation. |

- **PW-17 Ankur Kumar Maurya:** The witness was posted as Sub-Inspector in CBI, SCB, Lucknow in the year 2020 and was a member of the search team, which conducted the search at the residence of accused Shivaji Yadav on 21.12.2020.
- **PW-18 Arun Rawat:** The witness was posted as Dy.SP, CBI, SCB, Lucknow in 2020 and was the first IO of the present case. The witness was entrusted the investigation of the present case vide letter dated 23.12.2020, issued by PW-16 Sh. D.M Sharma.
- **PW-19 G. Vishakh:** The witness was posted as Special Secretary in CM Office, Lucknow, U.P and was examined through Video-Conferencing (VC). The witness identified the letter dated 18.10.2019 sent by him to SP, CBI, SCB, Lucknow as **Ex.PW-19/1**, wherein, he deposed that the letter dated 10.06.2019 (**Ex.PW-2/3**) was actually issued from the office of

CM, U.P and addressed to the Minister of External Affairs, Government of India.

- **PW-20 Harjeet Singh Sachan:** The witness is the second IO of the present case and had filed the charge-sheet in this case. During 2020 to May 2024, the witness was posted as Dy.SP, CBI, SCB, Lucknow and was handed over the investigation of the present case on 29.12.2020. The witness deposed about the various documents collected by him during the investigation of the case. The witness also identified the document (**D-19**) i.e. the certificate u/S 65 B of Indian Evidence Act, regarding the computerized diary entry of receipt of letter dated 10.06.2019 in the Office of Ministry of External Affairs, New Delhi on 13.06.2019. The said document was exhibited as **Ex.PW-20/1**.

12. Subsequently, the prosecution evidence was closed on 29.05.2025 and the matter was listed for recording the statement of the accused, u/S 313, CrPC.

### **STATEMENT OF THE ACCUSED u/S 313 CrPC.**

13. The statement of accused Shivaji Yadav u/S 313 CrPC was recorded on 28.10.2025, *wherein* he categorically denied any involvement in the present offence and submitted that he was falsely implicated in the present case. The accused denied

sending the alleged letter in question and stated that he was not present at the post office on the date, on which the alleged letter was sent. It was further stated that the present case was registered by CBI, even before the commission of the alleged offence.

14. Thereafter, the accused Shivaji Yadav moved an application for leading evidence u/S 315 CrPC, for his own examination as a witness, which was allowed.

### **DEFENCE EVIDENCE**

15. The accused entered into the witness box and was examined and cross-examined as **DW-1**. The accused deposed that the alleged letter (**Ex.PW2/X**) was sent on 13.06.2019, but the information pertaining to the alleged offence was received by CBI, three days prior to the date of incident i.e. on 10.06.2019. He also deposed that the UP Special Task Force (UP STF) searched his premises on 16.11.2019 and seized all the relevant documents and electronic devices like printer, laptop etc. from his residence and thus, nothing was recovered by CBI at the time of search at his premises. On this basis, the witness deposed that the alleged seizure shown by CBI is illegal and cannot be relied upon.

16. The witness also deposed that the unique serial number and the date mentioned in the alleged forged letter (Ex.PW-2/X) and the original letter dated 10.06.2019 (Ex.PW-2/3) is the same, which could not have been possible, without the involvement of officials from CMO. The witness also testified that due to personal animosity of the-then local BJP MLA, namely, Sh. Ramesh Chandra Mishra, on account of the accused running Jan Sunwai Kendra at his native place; he has been falsely implicated in the present case.

17. The witness was subjected to a detailed cross-examination, wherein he admitted that he was using the mobile Nos. 7860347186 and 9169931514 in the year 2019-2020. He also testified that on the date of the search i.e. 21.12.2020, he was already in jail in another case of UP STF and thus, was not aware as to whether any search was conducted by CBI at his residence. The witness also identified his specimen signatures taken by CBI, while he was in judicial custody. The witness denied his presence in Badlapur area on 13.06.2019 i.e. the date on which the letter in question, was sent from Badlapur post office.

18. The accused had also moved an application for examination of Sh. Yogi Adityanath as a witness in the present case, which was dismissed by this Court vide Order dated 07.01.2026. Therefore, the matter was fixed for final arguments.

## FINAL ARGUMENTS

19. Detailed final arguments were advanced on behalf of both the prosecution and the accused and various judicial decisions were furnished by both the parties in support of their contentions, which are discussed below:

### **I) Arguments raised by Ld. PP for CBI.**

20. Ld. PP for CBI has raised the following submissions in support of her contentions:

(a) It is submitted that the making of a forged/ false document i.e. **Ex.PW-2/X**, by the accused Shivaji Yadav, has been proved by the prosecution. It is also submitted that the original letter bearing No. O-428/CM-1/2019 dated 10.06.2019 (**Ex.PW-2/3**) was issued under the genuine signature of Sh. Yogi Adityanath, Hon'ble Chief Minister of U.P and was addressed to Dr. S. Jaishankar, Minister of External Affairs, Govt. of India. It is submitted that the witnesses **PW-2** and **PW-4** have identified the signatures of Sh. Yogi Adityanath on the original letter i.e. **Ex.PW-2/3 (D-18)**.

(b) Further, the GEQD opinion dated 26.02.2021 (**Ex.PW-15/3**) is to the effect that the questioned signature (Q1) on the letter in question (**Ex.PW-2/X**) do not pertain to Sh. Yogi Adityanath, thereby, corroborating the testimony of the prosecution witnesses. Moreover, vide the said GEQD opinion, the questioned writing i.e. Q2, Q3, Q4 and Q8, on the letter in question (**Ex.PW-2/X**) matched with the specimen writing of the accused. On this basis, it is argued by Ld. PP for CBI that the letter in question was prepared by the accused Shivaji Yadav.

(c) The receipt of the said letter in the PMO office has been proved through documentary evidence as well as the testimonies of **PW-5** and **PW-7**. Moreover, there is ample evidence to the effect that the mobile No i.e. 7860347186 mentioned in the letter in question (**Ex.PW-2/X**) as well as mobile number 9169931514 mentioned in the envelope (**Ex.PW-1/1**) used for sending the alleged letter, were issued in the name of accused Shivaji Yadav. Additionally, the location of mobile No. 7860347186 on 13.06.2019, i.e. the day when the alleged letter was dispatched, was in Badlapur area, Sub-Post office, Badlapur, District-Jaunpur on 13.06.2019 at 14.43 hrs. The same has also been proved through the testimony of **PW-8** as well as the documents i.e. **Ex.PW-8/5** and **Ex.PW-8/6**.

21. On this basis, it is alleged by the prosecution that in light of the testimony of the witnesses as discussed above and the documents furnished in support of the present case, the commission of alleged offences by the accused, stands proved beyond reasonable doubt.

**II) Arguments raised by Ld. LADC for the accused.**

22. *Per contra*, Ld. Chief LADC representing the accused has submitted that the prosecution has miserably failed to prove the charges against the accused beyond reasonable doubt, on the grounds, which are discussed below.

23. The case of the prosecution is based solely on the premise that the letter in question (**Ex.PW-2/X**) purportedly signed by Sh. Yogi Adityanath, was actually signed by accused Shivaji Yadav and thus, the accused has forged the document. It is contended that in light of the 'Best Evidence' principle, the best available evidence could only be of Sh. Yogi Adityanath himself, as he alone is competent to depose whether the questioned signature i.e. Q1 on **Ex.PW-2/X** are his genuine signatures or not. However, neither any inquiry was made from Sh. Yogi Adityanath during investigation nor was he examined as a witness in the present case.

24. The GEQD report also does not give any opinion with respect to the questioned signatures i.e. Q1 on **Ex.PW-2/X** and thus, the said signatures cannot be attributed to the accused. It is also argued that all the admitted signatures/ writings of Sh. Yogi Adityanath are photocopied documents and any GEQD opinion based on a photocopied document is a very weak type of evidence and should be discarded.

25. The IO has failed to collect admitted handwritings/ signatures of Sh. Yogi Adityanath in original form, from any source for sending the same to CFSL, for the purpose of comparison, while the same could have been easily collected.

26. The witnesses **PW-3** and **PW-11** have resiled from the case of the prosecution and thus, a reasonable doubt has been created in the case put forth by the prosecution. Moreover, the testimonies of **PW-2**, **PW-3** and **PW-4** cannot be relied upon, because all the witnesses have deposed during their cross-examination that they had never seen Sh. Yogi Adityanath sign in their presence.

27. The offence in the present case allegedly took place on 13.06.2019 i.e. the date of dispatch of letter in question, but the FIR i.e. **D-1 (Ex.PW-16/1)** as well as the Preliminary Enquiry Registration Report i.e. **D-12 (Ex.PW-13/5)** mention the date of

information received at Police Station as 10.06.2019 i.e. three days prior to the alleged commission of offence.

28. No inquiry or investigation was conducted in relation to the involvement of any official of CMO to find out, as to how the same dispatch number came to be there on the letter in question (**Ex.PW-2/X**) and the genuine letter (**Ex.PW-2/3**) and the same is a major lacuna in the case of the prosecution.

29. The possibility of political pressure and faulty investigation cannot be ruled out, in the present case and the same is evident from the continuous transfer of the investigation from UP to Delhi in the present case. The Preliminary Enquiry (P.E) was conducted in Lucknow, then it was transferred to Delhi, merely for the registration of FIR/RC, so as to bypass the requirement of consent of the State Government for registration of FIR. The matter was again transferred to Lucknow for further investigation and transferred back to Delhi for filing the charge-sheet and conducting trial. This is clearly evident from the Cross Examination of **PW-16**, **PW-18** and **PW-20**. Therefore, in the present matter, the possibility of political pressure cannot be ruled out.

30. This Court has given its thoughtful consideration to the rival contentions of the parties and has perused the judicial

decisions, relied upon by both the prosecution as well as the accused.

### **ANALYSIS AND FINDINGS**

31. Before delving into the merits of the case, this Court deems it apposite to list the allegations to be proved by the prosecution, in order to show the commission of offences punishable u/S 465/471, IPC by the accused. To bring home the guilt of the accused, the prosecution must prove the following aspects:

- a) The letter in question (**Ex.PW-2/X**) is a forged document and has been prepared by the accused Shivaji Yadav.
- b) Use of the said letter in question (**Ex.PW-2/X**) as a genuine document by the accused, despite knowing or having a reason to believe, that it was a forged document.

32. Further, for the sake of greater clarity and better appreciation of facts, the penal provisions required to be proved by the prosecution are reproduced as follows:

#### **Section 463 IPC:**

*“Forgery: Whoever makes any false document or false electronic record or part of a document or electronic record with intent to cause damage or injury to the public or to any person or to support any claim or title or to cause any person to part with property or to enter into any express or implied contract or with intent*

*to commit fraud or that fraud may be committed commits forgery”.*

**Section 465 IPC:**

*Punishment for forgery: Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.*

**Section 471 IPC:**

*“Using as genuine a forged document or electronic record.- Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record”.*

**A. The alleged commission of offence u/S 465, IPC.**

33. The case of the prosecution is founded upon the letter in question dated 10.06.2019 (**Ex.PW-2/X**), purportedly issued under the signatures of Sh. Yogi Adityanath, and addressed to the Prime Minister’s Office. The said letter bears the unique number O-428/CM-1/2019.

34. To prove that the alleged letter in question is a false document, the prosecution has produced in evidence, the genuine

original letter dated 10.06.2019 (**Ex.PW-2/3**), bearing the above number i.e. O-428/CM-1/2019 and issued under the signatures of Sh. Yogi Adityanath. This original letter was addressed to Sh. S. Jaishankar, Union Minister of External Affairs, Government of India. In order to prove the above letter (**Ex.PW-2/3**), the witness **PW-2** Bhaskar Chandra Kandpal, tendered the original dispatch register (the "O" Register), from the office of the Chief Minister, UP and the same was identified as **Ex.PW-2/2** during the course of his testimony. Furthermore, the witness also identified the entry at serial No. 428 in the said register, showing the dispatch of the letter dated 10.06.2019 (**Ex.PW-2/3**) and the entry was identified as **Mark-A**. The witness also testified that any letter sent by CM Office, Section-I to the Govt. of India, was diarized in the said register (**Ex.PW-2/2**). The testimony of the witness **PW-2** in this regard is further corroborated by the testimony of **PW-4** Pramod Singh Yadav, who was working as an Assistant Review Officer in the CM-I office and had diarized the said entry.

35. Moreover, vide document **D-10** i.e. the letter dated 18.10.2019 (**Ex.PW-13/3**), Sh. Vishakh G, the Special Secretary to CM, had also confirmed that the original letter (**Ex.PW-2/3**) was issued under the signature of Sh. Yogi Adityanath and the letter in question (**Ex.PW-2/X**) is completely fake. The same was corroborated in his testimony as **PW-19**. This raises a strong

suspicion that the letter in question was not actually sent from the CM Office.

36. Thus, it is evident from the testimony of the witnesses **PW-2** as well as **PW-4** that if the letter in question had actually been issued under the genuine signatures of Sh. Yogi Adityanath or sent from his office, the same would have been entered in the said 'O' register, but there is no entry of the letter in question. This shows that the original letter (Ex.PW-2/3) and not the letter in question (Ex.PW-2/X), was actually sent from the CM Office Section-I.

37. Moreover, the receipt of the said genuine letter (**Ex.PW-2/3**) in the office of Ministry of External Affairs (EAMO), New Delhi has been proved by the testimony of **PW-6** Prashant Kumar Sona, who was working as Under-Secretary, EAMO in 2021. Additionally, vide letter 07.01.2021 (**Ex.PW-6/A**), addressed to Sh. Arun Rawat, the witness also furnished the original letter received from CMO, UP i.e. (**Ex.PW-2/3**). Thus, the issuance, dispatch and receipt of the letter dated 10.06.2019 bearing the genuine signatures of Sh. Yogi Adityanath, has been proved beyond reasonable doubt, by the prosecution.

38. However, as far as the letter in question (**Ex.PW-2/X**) is concerned, it has been proved that the same was not dispatched from the CM office, Section-I. To prove that the letter in question (**Ex.PW-2/X**) has been fabricated by accused Shivaji Yadav, the prosecution has placed reliance on the GEQD opinion (**Ex.PW-15/3**) as well as the testimonies of various prosecution witnesses.

39. It is trite law that the evidence as to the identity of handwriting and signatures, may be proved in accordance with Section 45, Section 47 or Section 73 of the Indian Evidence Act, 1872 (*Fakhruddin Vs. State of M.P., AIR 1967 SC 1326*). Section 45 of the Indian Evidence Act deals with the opinion of an expert on a person's handwriting and this opinion is provided after comparing the admitted handwriting of the person, with his specimen handwritings/ signatures.

40. This Court shall first deal with the expert opinion dated 26.02.2021 under Section 45 of the Indian Evidence Act, 1872 and the testimony of the CFSL expert i.e. **PW-15** Sh. Anil Sharma.

(i) The GEQD report in the present case :

41. Ld. PP for CBI has placed extensive reliance on the GEQD opinion i.e. **Ex.PW-15/3** in the present case, to prove the factum of forgery.

42. The letter in question (**Ex.PW-2/X**) and the envelope (**Ex.PW-1/1**) through which the alleged letter was sent has 09 questioned portions i.e. from **Q1 to Q9**, on which the opinion was sought by the IO, from GEQD. The details of these questioned portions are as follows:

- Q1: The alleged forged signature of Shri. Yogi Adityanath.
- Q2: The date 10.06.2019 written on the alleged letter [**Ex.PW2/X**]
- Q3: Serial no 428 mentioned on the alleged letter
- Q4: 2019 mentioned on the alleged letter.
- Q5: The logo on the alleged letter
- Q6: The body of the alleged letter
- Q7 Writing on envelope (address of the PMO) [**Ex.PW-1/1**]
- Q8: The writing on the envelope with the name and address of sender. [**Ex.PW-1/1**]
- Q9: “Yogi Adityanath” written in Hindi on top left corner of the letter in question.

43. For the purpose of comparison and analysis, the specimen signatures and handwritings of accused Shivaji Yadav (Ex.PW-15/1) and the admitted signatures of Sh. Yogi Adityanath, on the original letter dated 10.06.2019 (Ex.PW-2/3) as well as certain attested photocopied documents i.e. (Ex.PW-2/4) were sent to CFSL. As per the report received, it was categorically opined in the said report that “*the model of the admitted signature A-1 is different from that of the questioned signature Q1. Hence, they are not comparable.*”

44. Thus, it was specifically opined that the questioned signature Q1 does not match the admitted signatures of Sh. Yogi Adityanath on the letter in question (Ex.PW-2/X). Ld. LADC for the accused has submitted that based on the above opinion, it can be inferred that the CFSL was not able to give any opinion on the questioned signatures i.e. Q1 on the letter in question.

45. However, even if it is argued that the CFSL was not able to give any opinion on the questioned signature i.e. Q1; the said opinion is clear to the effect that it does not resemble the admitted signatures of Sh. Yogi Adityanath, based on a comparison of his admitted signatures (A1) on the original letter dated 10.06.2019 (Ex.PW-2/3). **Thus, the absence of opinion on**

**the questioned signatures (Q1), does not aid the case of the accused in any manner.**

46. Moreover, the GEQD report (**Ex.PW-15/3**) also provides an opinion on the questioned portions i.e. Q2 to Q8 of the letter in question (**Ex.PW-2/X**) and it would be imprudent to ignore the said opinion of GEQD. The GEQD report categorically states that the specimen signatures and admitted writings of the accused match with the questioned portions i.e. Q2, Q3, Q4 and Q8. This shows that as per the opinion of the GEQD; the writing of the date i.e. 10.06.2019 (**Q2**), Serial No. 428 (**Q3**), Number 9 (**Q4**) and writing on the envelope, through which the letter in question (**Ex.PW-2/X**) was dispatched (**Q8**), bear the handwriting of accused Shivaji Yadav.

47. Additionally, vide the said report (**Ex.PW-15/3**), it has also been opined that the logo on the letter in question (**Ex.PW-2/X**) marked **Q5**, the contents of the letter marked **Q6** and the name 'Yogi Adityanath' on the top left corner of the letter marked **Q9**, are different from the original letter dated 10.06.2019 (**Ex.PW-2/3**), in terms of size, shape, arrangement of characters, contents, and printing quality, between both the documents [**D-6** and **D-18**].

48. In light of the above, the Court shall discuss the effect, if any, of non-attribution of signature (Q1) to the accused.

(ii) **Effect of non-attribution of signature (Q1) to the accused.**

49. Ld. LADC for the accused has contended that since the questioned signature (Q1) on the letter in question (Ex.PW-2/X) has not been attributed to the accused Shivaji Yadav, it can be concluded that the letter in question (Ex.PW-2/X) has not been forged by the accused Shivaji Yadav.

50. This contention, although attractive at first glance, does not hold any legal merit. **This is because the offence of forgery is not confined to the act of signing only.** The offence of forgery as defined in Section 463 IPC, stipulates that a person is said to commit forgery when he makes any false document or part of a document, with intent to cause damage or infringement to the public or any person. The Hon'ble Supreme Court in the case of ***Sushil Suri Vs. Central Bureau of Investigation, AIR 2011 SC 1713***, has held as follows:

*“The basic elements of forgery are-*  
*(1) the making of a false document or part of it and*  
*(2) such making should be with such intention as is specified in the section, viz., (a) to cause damage or infringe to (I) the public, or (ii) any person; or (b) to support any claim or title; or (c) to cause any person to part with property,*

*or (d) to cause any person to enter into an express or implied contract; or (e) to commit fraud or that fraud may be committed;*

51. Thus, it is evident that the offence of forgery also includes making a part of the false document and fabrication of any part of a document, intended to give it a colour of genuineness, is also included within the ambit of forgery u/S 463, IPC. Further, it has been sufficiently proved through the GEQD Report (Ex.PW-15/3) that the questioned portions i.e. Q2, Q3, Q4 and Q8, on the letter in question (Ex.PW-2/X), were in the handwriting of accused Shivaji Yadav. **On this basis itself, it can be inferred that the accused Shivaji Yadav made and executed a part of the false document i.e. letter in question (Ex.PW-2/X).**

52. Moreover, it is trite law that a document has to be read in its entirety and the Court cannot look only at a portion of the document, which favours a certain party [*State of U.P Vs. M.K. Anthony, (1985) 1 SCC 505*]. Thus, the GEQD has to be analyzed on the whole and not just based on the lack of opinion on the questioned signature (Q1). In the present case, it is evident from the GEQD Report that the accused incorporated the official identifiers such as Dispatch number (Q3 & Q4) and also the date (Q2) and the said document was designed to falsely project authorship of a constitutional functionary i.e. the CM of UP, Sh. Yogi Adityanath in the present case. **Thus, the act of fabrication**

is complete, irrespective of whether the accused himself appended the signature (Q1) on the letter in question (Ex.PW-2/X).

53. The said GEQD report is also supported by the testimony of the witness **PW-15**, who prepared the GEQD report. The testimony of the witness has withstood the test of cross-examination in this regard. An argument was raised by Ld. LADC for the accused that the said GEQD report is based on photocopied documents, bearing the admitted signatures of Sh. Yogi Adityanath i.e. A-7 to A-13 on D-22 (Ex.PW-2/4) and thus, cannot be placed reliance on, as any comparison based on a photocopy is a very weak type of evidence and cannot form the basis of any adverse inference against the accused. (*Narender Kumar Vs. The MGMT of M/s Maman Chand, 2023/DHC/000667*)

54. Undoubtedly, the admitted signatures i.e. A-7 to A-13 of Ex.PW-2/4 are photocopied documents. However, a perusal of the GEQD report (Ex.PW-15/3) shows that the original document bearing the admitted signatures of Sh. Yogi Adityanath i.e. A-1 on the letter dated 10.06.2019 (Ex.PW-2/3) was also made the basis of comparison and analysis. Moreover, the witness **PW-15** was cross-examined on this aspect, to which he deposed that *'I have not taken the photographs of exhibits for examination*

*purpose, as the documents were examined in original.* 'Moreover, in any event, the questioned portions i.e. Q2 to Q8, did not require any comparison with the photocopied documents and was only based on an analysis with the specimen signatures and writings of accused (S-11 to S-20, S-28 and S-29). Thus, the contention raised on behalf of the accused that the GEQD opinion was based on an analysis of the photocopied documents, is devoid of merit.

55. Further, the address of the sender and the proposed recipient on the envelope (**Ex.PW-1/1**) in question, is also been shown to be written in the handwriting of accused Shivaji Yadav, through the GEQD opinion. This further lends credence to the contention that the letter in question (**Ex.PW-2/X**) and the envelope (**Ex.PW-1/1**) used to dispatch the alleged letter, was in the handwriting of accused Shivaji Yadav.

56. *Arguendo*, even if the said GEQD opinion is discarded or not considered for arriving at the finding that the document in question has been forged by accused Shivaji Yadav, there is sufficient evidence on record to show the same, which shall be dealt with, in the following paragraphs:

**(iii) The testimonies of prosecution witnesses, u/S 47 of the Indian Evidence Act, 1872.**

57. Ld. PP for CBI has contended that it is evident from the testimonies of **PW-2 Bhaskar Chandra Kandpal**, **PW-3 Mahendra Vikram Singh** as well as **PW-4 Pramod Singh Yadav** that the letter in question (**Ex.PW-2/X**) was neither issued by the CM office and the signature at point A on the said letter is not the genuine signature of Sh. Yogi Adityanath, CM of UP. The witnesses **PW-3** and **PW-4** were handling the responsibility of diarizing the dispatch of letters during the relevant time, as is evident from the letter (**D-20**) which has been proved during the testimony of PW-2 as **Ex.PW-2/1**. Moreover, **PW-4** had made the entry at serial no. 428 in the “O” Register and the same was identified as **Ex.PW-4/A**, during the examination of the witness.

58. Ld. LADC for the accused has raised the contention that the witnesses **PW-2**, **PW-3** and **PW-4** had deposed in their cross-examination that they are acquainted with the handwriting/ signature of Sh. Yogi Adityanath, but had never seen Sh. Yogi Adityanath, sign in their presence. On this basis, it is contended that their testimonies regarding acquaintance with the signatures of Sh. Yogi Adityanath, CM of UP, cannot be relied upon.

59. However, this contention cannot be accepted, if one goes through Section 47 of Indian Evidence Act. The Explanation appended to Section 47 of the Indian Evidence Act, 1872 categorically provides that

*“A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.” (emphasis supplied).*

60. It is a matter of record that the witnesses PW-2 to PW-4 were handling documents signed by Sh. Yogi Adityanath, CM of UP, as a part of their official duties and the same has not been disputed by the accused. Thus, all these witnesses are presumed to be aware of the handwriting of Sh. Yogi Adityanath. **Therefore, it can be concluded that the witnesses were acquainted with the handwriting/ signatures of Sh. Yogi Adityanath, CM of UP and the mandate of Section 47 of Indian Evidence Act, has been fulfilled.**

61. It is further argued by Ld. LADC for the accused that during the cross-examination of **PW-3**, the witness deposed that the signatures of Sh. Yogi Adityanath, CM of UP at A-1 on the

original letter dated 10.06.2019 (**Ex.PW-2/3**) and on the other documents i.e. **Ex.PW-2/4**, do not appear to be the same. On this basis, it is argued that the testimony of PW-3 is itself inconsistent and cannot be relied on.

62. No doubt, there are inconsistencies in the testimony of **PW-3**, but the lacunae in his testimony has been adequately explained by **PW-4** in his cross-examination dated 12.12.2022, wherein, he testified that *“I state that the Hon’ble CM uses different signatures for different purposes for eg. for birthday wishes or marriage wishes, his signature is different. That signatures across these documents do not appear to be the same, but I can say that all are the signatures of the Hon’ble CM.”* Thus, the apparent difference in the signatures of Sh. Yogi Adityanath, CM of UP, has been adequately explained by **PW-4**, during his cross-examination. Moreover, the said witness, after looking at the signature at point A on the letter in question (**Ex.PW-2/X**) also testified that an attempt has been made to copy the signature of Hon’ble CM in **Ex.PW-2/X**. The witness also deposed that the layout of the letter in question (**Ex.PW-2/X**), including logo on the letterhead is different from the CM Office letterhead. The witness also deposed that *“as per the format of letters in the CM Office, UP, the name of addressee and particulars is mentioned at the bottom left corner of the letter,*

*whereas in Ex.PW-2/X, the name of addressee and particulars are mentioned at the top left portion.”*

63. Therefore, on the basis of the above, it is evident that even as per Section 47 of the Indian Evidence Act, the letter in question (**Ex.PW-2/X**) was not issued from the CM Office, Lucknow, UP and also did not bear the genuine signatures of Sh. Yogi Adityanath, CM of UP.

64. Additionally, the prosecution witness **PW-10 Sandeep Singh** in his testimony deposed that the envelope (**Ex.PW-1/1**) containing the address of the sender, is written in the handwriting of accused Shivaji Yadav and the phone number mentioned in the address on the envelope i.e. 9169931514 belongs to accused Shivaji Yadav. The witness **PW-10** was cross-examined in this regard and the testimony of the witness has remained consistent throughout. The witness deposed that he was acquainted with the handwriting of accused Shivaji Yadav, as he had seen him writing on several occasions, in both Hindi and English language.

65. Moreover, the witness **PW-11 Vishal Yadav**, another friend of accused Shivaji Yadav, resiling from his statement u/S 161 CrPC and not supporting the case of the prosecution; also has no bearing on the present case. This is because the witness did not identify the writing of accused on the envelope

**Ex.PW-1/1**, but the writing of the accused on the envelope, has been adequately proved, both through the testimonies of **PW-10 Sandeep Yadav** and **PW-15 Anil Sharma**, in addition to the GEQD Report (**Ex.PW-15/3**). Thus, the letter in question (**Ex.PW-2/X**) being forged by accused **Shivaji Yadav** has also been proved, in accordance with Section 47 of the Indian Evidence Act, 1872.

66. This Court also has adequate power to compare the two documents i.e. **Ex.PW-2/X (D-6)** and **Ex.PW-2/3 (D-18)**, u/S 73 of the Indian Evidence Act, 1872, in order to arrive at the finding, as to whether the alleged letter in question (**Ex.PW-2/X**) has been forged by accused **Shivaji Yadav**. Reliance is also placed on the decision of the Hon'ble Supreme Court in ***Lalit Popli Vs. Canara Bank & Ors., AIR 2003 SCC 1796***, wherein it was observed that *irrespective of an opinion of the Handwriting Expert, the Court can compare the admitted writing with disputed writing and come to its own independent conclusion. Such exercise of comparison is permissible u/S 73 of the Evidence Act.*

67. Thus, even in exercise of powers u/S 73 of the Indian Evidence Act, 1872, it is apparent that the logo on the letter in question (Q5), the contents of the letter (Q6), the name of Sh. Yogi Adityanath, CM of UP on the top left corner (Q9) are

markedly different from the original letter dated 10.06.2019 (Ex.PW-2/3). Further, the logo (A-4) as well as name of the Chief Minister (A-5) on the original letter are embossed and bear a distinct tactile impression, but no such feature is discernible on the letter in question (Ex.PW-2/X). To the contrary, the entire letter in question (Ex.PW-2/X) appears to be a computer-generated printout, with an expanded logo and the font style visibly different, from the original letter. Thus, a bare comparison of the two documents u/S 73, Indian Evidence Act, also supports the expert opinion (Ex.PW-15/3) as well as the testimony of various prosecution witnesses.

68. In light of the above discussion, this Court is of the considered opinion that the letter in question (Ex.PW-2/X) has been forged by accused Shivaji Yadav and **thus, the commission of offence u/S 465 IPC stands proved beyond reasonable doubt.**

**B. The alleged commission of offence u/S 471 IPC.**

69. The prosecution must also prove that the forged document i.e. letter in question (Ex.PW-2/X) was used by accused Shivaji Yadav as a genuine document, despite knowing or having reason to believe that the same is forged. For proving the commission of offence under Section 471 IPC at first, the foundational fact of forgery or that the document is forged needs to be proved

[ *Vandana Vs. State of Maharashtra, 2025 INSC 1098*]. It has already been held in the preceding discussion that the letter in question (**Ex.PW-2/X**) has been forged by the accused Shivaji Yadav.

70. The letter in question (**Ex.PW-2/X**) bears the contact number i.e. 7860347186 and the envelope (**Ex.PW-1/1**) in which the alleged letter has been dispatched, mentions the contact number i.e. 9169931514. It has been sufficiently proved through the testimony of **PW-8 Sanjeev Srivastava** as well as the CAF of both these numbers (**Ex.PW-8/5** and **Ex.PW-8/6**) that both the mobile numbers were issued in the name of accused Shivaji Yadav. Further, the accused admitted during his testimony as **DW-1** that the mobile numbers i.e. 7860347186 and 9169931514, were used by him at the relevant time.

71. Interestingly, the Cell ID/ Tower location for mobile number 7860347186, on 13.06.2019 i.e. the date of dispatch of the alleged letter is shown to be at Badlapur at 14:43 hours, as per **Ex.PW-8/7**. Moreover, it is evident from the testimony of **PW-1 Vinod Kumar Maurya** that the letter in question (**Ex.PW-2/X**) was dispatched on 13.06.2019 at 02:43 pm and the parcel was booked by the witness PW-1, who was working as a Postal Assistant at Badlapur Post office on 13.06.2019. The envelope (**Ex.PW-1/1**) in which the alleged letter was sent, has

been proved by the witness and also bears the booking receipt number.

72. The fact that the tower location of the mobile number used by the accused i.e. 7860347186 is on 13.06.2019 at 02:43 pm is shown to be of Badlapur area, from where the alleged letter was dispatched at the above-mentioned date and time; is a clinching evidence pointing to the fact that the accused Shivaji Yadav had himself dispatched the letter in question (**Ex.PW-2/X**). This is further corroborated by the testimony of **PW-10 Sandeep Singh**, who deposed that the particulars on the envelope (**Ex.PW-1/1**) were written by accused Shivaji Yadav.

73. Further, the receipt of the letter in question (**Ex.PW-2/X**) in Prime Minister's Office has been proved through the testimony of **PW-5** Lakshmi Chandra, who was working as a Section Officer in PMO in 2019 as well as the testimony of **PW-7** Sh. P.K. Issar who was posted as Assistant Director in PMO in 2019. Additionally, the witness **PW-7 P.K Issar** also testified that he handed over the letter in question (**Ex.PW-2/X**) to SP, CBI, SCB, Lucknow vide letter dated 16.10.2019 (**Ex.PW-7/B**), for the purpose of investigation.

74. Thus, the dispatch of the letter by the accused and its receipt in the PMO, has been proved beyond reasonable doubt.

The very act of dispatching the forged document i.e. letter in question (**Ex.PW-2/X**) to the Prime Minister's Office, under the purported signatures of Sh. Yogi Adityanath, CM of UP, itself shows that the letter was sent by the accused Shivaji Yadav, as a genuine document in order to secure a BJP ticket for himself, in the upcoming by-elections of Legislative Assembly of UP in 2019.

75. Since it has already been established that the document was forged by the accused himself, the knowledge of it being a false and fabricated document, is inherent and stands attributed to the accused. Moreover, the said letter was dispatched by the accused, as a genuine document to the PMO, despite knowing that it was forged and **thus, the accused Shivaji Yadav committed the offence punishable u/S 471 IPC.**

76. The present case is based on circumstantial evidence and it has been held in the landmark case of *Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116*, that *the chain of circumstances must be so complete, as to exclude every other hypothesis, except the guilt of the accused.* In the present case, the following chain has been clearly established:

(i) A forged document i.e. **Ex.PW-2/X** dispatched by accused from Badlapur on 13.06.2019 and location of the accused at the place of dispatch.

- (ii) The receipt of the alleged letter in PMO.
- (iii) The alleged letter (**Ex.PW-2/X**) not been issued from CMO and the original letter dated 10.06.2019 (**Ex.PW-2/3**) bearing no. O-428/CM-1/2019, issued under the genuine signatures of Sh. Yogi Adityanath, CM of UP and addressed to Sh. S. Jaishankar, Union Minister of External Affairs; being furnished in evidence.
- (iv) The evidence on record showing that the letter in question (**Ex.PW-2/X**) has been fabricated by accused Shivaji Yadav and the envelope (**Ex.PW-1/1**) also bearing the handwriting of the accused.

77. In the considered opinion of the Court, all the above circumstances have been proved beyond reasonable doubt, and form a complete chain, pointing towards the guilt of the accused. The accused has failed to offer any plausible explanation regarding the incriminating circumstances against him. **Thus, in light of the above discussion, the commission of offences punishable u/S 465/ 471 IPC, by accused Shivaji Yadav, stands proved beyond reasonable doubt.**

**C. Other contentions raised on behalf of the accused**

78. This Court shall now deal with the other contentions raised on behalf of the accused.

(i) **Non-examination of Sh. Yogi Adityanath:**

79. The accused has first raised the contention that in light of the best evidence principle, Sh. Yogi Adityanath, CM of UP was the best witness, who could depose as to whether the letter in question (**Ex.PW-2/X**) was issued by him and under his signatures. However, Sh. Yogi Adityanath, CM of UP was neither examined during the course of investigation nor summoned as a witness by this Court. Moreover, the application moved on behalf of the accused to examine Sh. Yogi Adityanath, CM of UP as a defence witness, was dismissed by this Court, vide Order dated 07.01.2026.

80. *Per contra*, Ld. PP for CBI has contended that there was no need to examine Sh. Yogi Adityanath, CM of UP as a witness, as the forgery on the letter in question (**Ex.PW-2/X**) has been amply proved through the official witnesses working in Sh. Yogi Adityanath, CM of UP, the production of official record such as “O” Register as well as the expert opinion u/S 45 of Indian Evidence Act.

81. There is no denying the fact that the letter in question (**Ex.PW-2/X**) bears the purported signatures of Sh. Yogi Adityanath, CM of UP and Sh. Yogi Adityanath is undoubtedly a competent witness to testify, as to whether the document in

question was issued by him and bears his signatures. However, the same can be proved even otherwise, through official records and testimonies of witnesses, who are acquainted with the handwritings of Sh. Yogi Adityanath. Moreover, it has been held in the case of *State of HP Vs. Gian Chand, (2001) 6 SCC 71*, that non-examination of a material witness is not fatal, if the case of the case of prosecution has been proved through other reliable evidence. Additionally, it has been held by the Hon'ble Supreme Court in *State of UP Vs. Association of Retired Supreme Court and High Court Judges [2024 INSC 4]*, that public officers of the executive should not be summoned as a matter of routine and summoning can only be resorted to, in limited circumstances.

82. It is needs to be understood that the witness sought to be summoned by the accused Sh. Yogi Adityanath, is a constitutional functionary, being the Chief Minister of the most populated state of the country i.e. Uttar Pradesh. The document sought to be proved/ disproved by Sh. Yogi Adityanath, already stands proved, through the evidence led by the prosecution in the present case. Moreover, the accused has failed to show as to how the non-examination of Sh. Yogi Adityanath during the course of investigation as well as trial, has prejudiced him in any manner, whatsoever. **Thus, the non-examination of Sh. Yogi Adityanath has no bearing on the outcome of the present case.**

(ii) The alleged search dated 21.12.2020 being illegal in nature:

83. It is contended on behalf of the accused that the investigation of the present case was transferred to IO Arun Rawat vide letter dated 23.12.2020 i.e. **Ex.PW-16/2 (D-2)**, but the search at the premises of the accused was conducted two days prior on 21.12.2020 by the IO Arun Rawat, as is evident from the search memo (**Ex.PW-9/1**). It is further contended that there is no document on record which shows that the transfer of investigation was intimated to the IO Arun Rawat, at any time before 23.12.2020 and the same was also admitted by the witness, in his cross-examination as **PW-18**. Thus, on this ground, it is submitted that the search in question is illegal and all the recovery proceedings are vitiated.

84. It is an admitted fact that the search was conducted at the residence of accused Shivaji Yadav on 21.12.2020, by IO/ DSP Arun Rawat, prior to the investigation being entrusted to him and it is also admitted that the investigation was transferred to Sh. Arun Rawat on 23.12.2020, as is evident from the testimony of **PW-16 D.M Sharma**. Thus, the search conducted by the IO/ DSP Arun Rawat, was prior to the investigation being entrusted to him.

85. However, at the same time it is a settled principle of law that the evidence collected or materials gathered, even during an illegal search can still be relied upon, as per law. The Hon'ble Supreme Court in the very recent decision of ***Dr. Naresh Kumar Garg Vs. State of Haryana, (2026) INSC 176***, while discussing at length, the consequences of an illegal and unauthorised search has categorically held that *the evidence collected in the course of the search in the form of seized record etc. cannot be discarded altogether, like the baby with the bath water. While the search may be illegal, the materials or evidence gathered or collected in the course of such search can still be acted or relied upon, subject to the rule of relevancy and the test of admissibility.*

86. Thus, even though the search may have been conducted by the IO, prior to the investigation being entrusted to him, the seizure of documents, pursuant to such a search being conducted, is still admissible in law. In any event, the commission of alleged offences by the accused has been proved beyond reasonable doubt, independent of any of the evidence or documents collected during the search dated 21.12.2020.

**(iii) The continuous transfer of investigation between UP and Delhi.**

87. It is alleged on behalf of the accused and is a matter of record that the Preliminary Enquiry (PE) in the present case was registered in Lucknow, but after the conclusion of PE, the RC (Regular Case) was registered in Delhi. Even after registration of the RC, the investigation of the case was transferred to Lucknow and was finally carried out by CBI, SCB, Lucknow Branch. It is submitted that the RC in the present case was registered in Delhi, to obviate the requirement of obtaining consent from the Govt. of UP and also owing to political pressure in the present case. *Per contra*, Ld. PP for CBI has submitted that the same is an administrative decision based on the approval of the competent authority and no prejudice has been caused to the accused because of the above administrative decisions.

88. It is a matter of record that the letter in question (Ex.PW-2/X) was dispatched from Badlapur, UP and received in Prime Minister's Office, New Delhi. Thus, the territorial jurisdiction of both the concerned CBI Court in Lucknow as well as the present Court is attracted, as per Section 182 Cr.PC. Thus, this Court has territorial jurisdiction to entertain the present case. Moreover, the decision as to where an RC is to be registered and investigation is to be carried out, is within the exclusive domain

of the investigating agency i.e. the CBI in the present case and judicial interference in such matters is not warranted, unless it has resulted in miscarriage of justice. Thus, the continuous transfer of investigation between Lucknow and Delhi in the present case also has no bearing on the fate of the present case.

89. The other arguments raised on behalf of the accused is that no investigation was carried out, as to how the genuine dispatch number i.e. O-428/CM-1/2019 dated 10.06.2019, came to be inserted on the letter in question (**Ex.PW-2/X**) and the complicity of the officials of CM office cannot be ruled out in this case. It is further argued that unfortunately, no investigation has been carried out on this aspect by CBI. It needs to be understood that the present case is limited in its scope to ascertaining whether the letter in question (**Ex.PW-2/X**) is a forged document and identify the person responsible for it. The investigation carried out by CBI is complete on the above aspects and on the basis of the investigation carried out and the evidence on record, the guilt of the accused Shivaji Yadav has been proved beyond reasonable doubt.

90. Lastly, it is also contended that the letter in question (**Ex.PW-2/X**) was dispatched on 13.06.2019 but strangely, as per the FIR (**Ex.PW-16/1**), the date of information received about the commission of offence is 10.06.2019 i.e. three days prior to the

actual commission of offence. However, looking at the entire case holistically, it appears to be a mere oversight, rather than a deliberate wrongdoing and does not warrant any serious indulgence of the Court. Such errors, in typing or recording of information are common during the day-to-day exercise of the official duties and can be ignored, if such errors have not caused any prejudice to the accused.

91. Further, in a case such as the present one, which rests predominantly on documentary evidence, minor inconsistencies or trivial contradictions do not, by themselves, corrode the *substratum* of the prosecution case, once the same has been otherwise proved beyond reasonable doubt. The Hon'ble Apex Court has, on numerous occasions, held that minor discrepancies on inconsequential matters, which do not go to the root of the case, cannot be a ground for discarding otherwise reliable evidence, and has cautioned Courts against adopting a hyper-technical approach, by picking sentences torn out of context. (*State of U.P. v. M.K. Anthony, AIR 1985 SC 48*).

92. This Court is also reminded of the recent observations of the Hon'ble Supreme Court in *Sushil Kumar Tiwari v. Hare Ram Sah (2025 INSC 1061)*, wherein while elucidating the application of proof beyond reasonable doubt, the Apex Court observed as follows:

*36....A reasonable doubt is one that renders the version of the prosecution as improbable, and leads the Court to believe in the existence and probability of an alternate version of the facts. It is a serious doubt which must be backed by reason.*

*The underlying foundation of the principle of beyond reasonable doubt is that no innocent should face punishment for a crime that he has not done. But a flipside of the same, of which we are conscious, is that at times, owing to a misapplication of this principle, actual culprits manage to find their way out of the clutches of law. Such misapplication of this principle, resulting into culprits walking free by taking benefit of doubt, is equally dangerous for the society. Every instance of acquittal of an actual culprit revolts against the sense of security of the society and acts as a blot on the criminal justice system.”(emphasis supplied)*

## CONCLUSION

93. Upon a conspectus of the entire facts and circumstances of the present case and a comprehensive evaluation of the oral and documentary evidence on record, this Court finds that the prosecution has successfully established, beyond reasonable doubt, that the accused Shivaji Yadav fabricated the document in question and knowingly used it as genuine. The chain of circumstances is complete and points unerringly towards the guilt of the accused. Accordingly, the accused Shivaji Yadav is convicted of the offences punishable under Section 465 and 471 of the Indian Penal Code, 1860.

94. **Copy of this Judgment be given to the convict, free of cost.**

95. Before parting, it would be apposite to mention that the present case reveals a deliberate attempt to lend authenticity to a fabricated communication, by invoking the name and office of a constitutional functionary. Such acts, by their very nature, have the potential to disturb the sanctity attached to official processes and communications. The law must, therefore, take its course, where the evidence on record clearly establishes the making and use of a false document with intent to deceive.

96. This Court would like to underscore its appreciation for the Ld. Chief LADC representing the accused as well as Ld. PP for CBI, for the superlative assistance rendered, during the trial and arguments of the present case. The Court would be failing in its duty, if it does not appreciate the excellent legal representation provided to the accused by the Ld. LACs as well as Ld. LADC, throughout the course of trial in the present case.

**(Jyoti Maheshwari)**  
**Addl. Chief Judicial Magistrate-05**  
**Rouse Avenue District Court**  
**New Delhi/30.03.2026**

***Announced in open Court***  
***on 30<sup>th</sup> March, 2026.***

## ANNEXURE

- Annexure in compliance of the directions of the Hon'ble Supreme Court in *Manojbhai Jethabhai Parmar (Rohit) Vs. State of Gujarat (2025 INSC 1433)*.

### A. LIST OF WITNESSES EXAMINED

| S. No. of the witness | Name of the witness     | Brief description/Role of the witness  |
|-----------------------|-------------------------|--|
| PW-1                  | Vinod Kumar Maurya      | Postal Assistant at Badlapur Post Office, Jaunpur, UP.   |
| PW-2                  | Bhaskar Chandra Kandpal | Under Secretary in CMO, Lucknow, identified the signature of Sh. Yogi Adityanath, CM of UP.          |
| PW-3                  | Mahendra Vikram Singh   | Assistant Review Officer in CMO, Lucknow, identified the signature of Sh. Yogi Adityanath, CM of UP. |
| PW-4                  | Pramod Singh Yadav      | Assistant Review Officer in CMO, Lucknow, identified the signature of Sh. Yogi Adityanath, CM of UP. |
| PW-5                  | Lakshmi Chandra         | Section Officer in Prime Minister Office.  |
| PW-6                  | Prashant Kumar Sona     | Under Secretary in the office of External Affairs Ministry, New Delhi.                               |
| PW-7                  | Purshotam Kumar Issar   | Assistant Director in PMO.   |
| PW-8                  | Sanjeev Srivastava      | Nodal Officer in Vodafone Idea Limited.  |
| PW-9                  | Harsh Raj Srivastav     | Witness to the search dated 21.12.2020.  |

|              |                      |   |
|--------------|----------------------|---|
| <b>PW-10</b> | Sandeep Singh        | Friend of accused and identified his handwriting.   |
| <b>PW-11</b> | Vishal Yadav         | Friend of the accused.  |
| <b>PW-12</b> | Dhruw Mishra         | Project Head in M/s We Win Ltd, and running the CM Helpline of UP Govt.                               |
| <b>PW-13</b> | Sanjay Sharma        | Complainant in the present case.  |
| <b>PW-14</b> | Amresh Tripathi      | Sub-Inspector at PS Gautampalli, Lucknow, UP and IO of FIR No 90/19.                                  |
| <b>PW-15</b> | Anil Sharma          | CFSL expert in the present case.  |
| <b>PW-16</b> | Dinesh Mohan Sharma  | Posted as Superintendent of Police in SC-I, CBI, New Delhi.   |
| <b>PW-17</b> | Ankur Kumar Maurya   | Sub-Inspector in CBI, SCB, Lucknow and part of search team, which conducted the search on 21.12.2020. |
| <b>PW-18</b> | Arun Rawat           | First IO of the present case.   |
| <b>PW-19</b> | G. Vishakh           | Posted as Special Secretary in CMO, Lucknow.  |
| <b>PW-20</b> | Harjeet Singh Sachan | Second IO of the present case and had filed the charge-sheet in the present case.                     |

## **B. STANDARD CHART OF EXHIBITED DOCUMENTS**

| Exhibit No.       | Description of Documents  | Witness who proved or attested the documents |
|-------------------|---|--|
| Ex.PW-1/1 (D-6)   | The envelope which was used to send the letter in question.   | PW-1   |
| Ex.PW-2/1 (D-20)  | Letter No. UO-659/CM-1-2020 dated 28.12.2020 addressed to Deputy SP, CBI, SCB, Lucknow by PW-2.   | PW-2   |
| Ex.PW-2/2 (D-21)  | Dispatch Register (“O” Register, 2019).   |  |
| Ex.PW-2/3 (D-18)  | Letter No.428/CM-1/2019 dated 10.06.2019 issued under the signatures of Sh. Yogi Adityanath to Sh. S. Jaishankar.   |  |
| Ex.PW-2/X (D-6)   | Alleged forged letter N. 428/CM-1/2019 dated 10.06.2019 and addressed to the Hon’ble Prime Minister.  |  |
| Ex.PW-4/A         | Entries at serial No. 427 and 428 of outgoing register, addressed to Hon’ble Law Minister Sh. Ravi Shankar Prasad and Hon’ble Foreign Minister Sh. Subramanyam Jai Shankar. | PW-4   |
| Mark PW-5/A (D-8) | The printout of the said entry and his signature on the entry.  | PW-5   |
| Ex.PW-6/A (D-16)  | Letter No. 87/EAM/2021 dated 07.01.2021 under which certain documents were handed over to CBI.  | PW-6   |
|                   |   |  |
| Ex.PW-7/A (D-4)   | Letter dated 08.08.2019, sent by PW-7 to Joint Director, Policy, CBI, New Delhi.  | PW-7   |
| Ex.PW-7/B (D-5)   | Letter dated 16.10.2019, sent by PW-7 to SP, CBI, SCB, Lucknow, during investigation.   |  |
| Ex.PW-7/C (D-7)   | Letter dated 24.12.2020, sent by PW-7 to Arun Rawat, Dy.SP, CBI, SCB, Lucknow, during investigation.  |  |
| Ex.PW-7/D colly   | Letter dated 04.03.2021, sent by PW-7   |  |

|   |  |       |
|---|--|-------|
| <b>(02 pages) (D-9)</b>                     | containing the certificate u/S 65B, Indian Evidence Act.   |       |
| <b>Ex.PW-8/1 (D-23)</b>                     | Letter dated 28.12.2020 sent by PW-8 to Sh. Devender Singh, S.P. CBI-SCB, Lucknow.                   | PW-8  |
| <b>Ex.PW-8/2 (colly) (D-26)</b>             | CDR for mobile No. 7860347186 for the period 01.09.2018 to 29.09.2019.                               |       |
| <b>Ex.PW-8/3 (D-28)</b>                     | CDR for mobile No. 9169931514 for the period 01.06.2019 to 14.10.2019.                               |       |
| <b>Ex.PW-8/4 (D-24)</b>                     | Certificate u/S 65-B, Indian Evidence Act.   |       |
| <b>Ex.PW-8/5 (D-25)</b>                     | CAF for mobile No.7860347186 .   |       |
| <b>Ex.PW-8/6 (D-27)</b>                     | CAF for mobile No. 9169931514.   |       |
| <b>Ex.PW-8/7 (D-29)</b>                     | Letter dated 22.01.2021 containing Cell ID details/tower locations addressed by PW-8 to the IO.      |       |
| <b>Ex.PW9/1 (D-13)</b>                      | Search List dated 21.12.2020   |       |
| <b>Ex.PW9/2 to Ex.PW9/52 (D-14) (colly)</b> | Various documents and letters seized, during the search at the premises of the accused.              |       |
| <b>Ex.PW9/53 (D-14 at page 275)</b>         | Envelope mentioning the address of Shivaji Yadav.  |       |
| <b>Ex.PW-13/1 (D-1)</b>                     | Complaint dated 18.12.2020, addressed to HoB, CBI, SCB, Lucknow.                                     | PW-13 |
| <b>Ex.PW-13/2 (D-3)</b>                     | Handing over, Taking over Memo dated 22.12.2020.   |       |
| <b>Ex.PW-13/3 (D-10)</b>                    | Letter dated 18.10.2019 by Sh. Vishakh G., Special Secretary, CMO, Lucknow to CBI.                   |       |
| <b>Ex. PW-13/4 (D-11)</b>                   | Letter dated 08.11.2019, addressed to PW-13 by PW-2.   |       |
| <b>Ex.PW-13/5 (D-12)</b>                    | Preliminary Enquiry Registration Report dated 26.09.2019, which was entrusted to PW-13.              |       |
| <b>Ex.PW14/1 (D-15) (colly)</b>             | Letter dated 25.12.2020 of SHO, Police Station, Gautampalli, Lucknow addressed to CBI, SCB, Lucknow. | PW-14 |
| <b>Ex.PW-15/1 (D-32)</b>                    | Specimen handwriting/ signatures of accused Shivaji Yadav.   | PW-15 |

|                          |  |       |
|--------------------------|--|-------|
| <b>Ex.PW-15/2 (D-30)</b> | Letter dated 01.03.2021, vide which the CFSL report was forwarded to SP, CBI, Lucknow.   |       |
| <b>Ex.PW-15/3 (D-31)</b> | CFSL Examination Report dated 26.02.2021, prepared by PW-15.   |       |
| <b>Ex.PW-16/1 (D-1)</b>  | FIR/ RC dated 18.12.2020.  | PW-16 |
| <b>Ex.PW-16/2 (D-2)</b>  | Letter addressed to HoB, CBI, SCB, Lucknow, for transfer of investigation.   |       |
| <b>Ex.PW-19/1</b>        | The copy of letter dated 10.06.2019, addressed to the Foreign Minister of India.   | PW-19 |
| <b>Ex.PW20/1 (D-19)</b>  | The certificate u/s 65 B of Indian Evidence Act, regarding the computerized diary entry of receipt of letter dated 10.06.2019 in the Office of Ministry of External Affairs, New Delhi on 13.06.2019 | PW-20 |