



2026:AHC-LKO:21708

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 2579 of 2026

Amit Mishra

.....Applicant(s)

Versus

Central Bureau Of Investigation Thru. Investigating
Officer

.....Opposite
Party(s)

Counsel for Applicant(s)	: Aditya Tiwari, Anurag Tripathi
Counsel for Opposite Party(s)	: Anurag Kumar Singh

Court No. - 14

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Aditya Tiwari, learned counsel for the applicant, Shri Anurag Kumar Singh, learned counsel for the opposite party-Central Bureau Of Investigation and perused the record.

2. The present petition has been filed under Section 482 Cr.P.C./Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the validity of an order dated 22.11.2025 passed by the Special Judge, Prevention of Corruption Act, CBI West, Lucknow in Criminal Misc. Case No. 1139 of 2022, arising out of RC No. 0062017A0014, whereby the applicant has been summoned to face trial for offences under Sections 120-B read with 406, 409, 420, 471 of I.P.C and Section 13(2) read with Section 13(1)(c) & (d) of the Prevention of Corruption Act, 1988 along with other substantive offences thereof. The petitioner has also sought quashing of the supplementary charge-sheet dated 15.05.2025 filed by the Central Bureau of Investigation in the aforesaid case, insofar as it relates to the applicant.

3. Briefly stated, facts of the case are that in furtherance of an order dated 29.05.2017 passed by a Division Bench of this Court in Writ Petition No. 11677 (MB) of 2014, Harish Kumar Verma Advocate Vs. Union of India and others, the CBI registered an FIR bearing RC No. 0062011A0014 dated 21.06.2018 against unknown officials of the Uttar Pradesh State Social Welfare Board, Lucknow, unknown officials of the Uttar Pradesh

Building and Other Construction Workers Welfare Board, Lucknow, unknown NGOs and other unknown persons, regarding illegalities committed in operation of the Sachal Palna Grih Yojana (Mobile Creche Scheme) and thereby committing offences under Sections 120-B, 409 and 420 IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

4. After investigation, the CBI initially submitted a charge-sheet dated 07.10.2022 against 26 accused persons and 8 NGOs but the applicant's name did not surface in the said charge-sheet. The applicant has been made an accused in the supplementary charge-sheet dated 15.05.2025.

5. As per the prosecution case, under Sachal Palna Grih Yojana, all participating NGOs were disbursed grants for a period of six months for the purpose of implementation and operation of mobile creche centres. The amount of grant sanctioned per creche centre was Rs.1,60,445/- for a period of six months. The applicant was operating eight creche centres. The scheme was discontinued with effect from August, 2014.

6. Under the scheme, the NGOs were mandated to employ a creche worker and a creche helper at monthly salaries of Rs.4,000/- and Rs.3,000/- respectively and they had to arrange some non-recurring items including cooking and serving utensils, educational materials, playing items, carpets, tables, chairs and other infrastructure, for which a one time allocation of Rs.50,000/- was sanctioned per creche centre. The only allegation that has been found to be established during investigation against the applicant is that the applicant had paid less salary to the employees and the employees have denied their signatures on the salary receipt register.

7. Assailing the validity of the charge-sheet, the learned counsel for the applicant has submitted that similar allegations were levelled against 199 other NGOs and all of them have been exonerated during investigation. During further investigation, 42 more NGOs have also been exonerated and charge-sheet has been submitted only against 10 NGOs. He has submitted that the applicant's case is at par with 42 NGOs, who have been exonerated.

8. Opposing the petition, Shri Anurag Kumar Singh, learned counsel for C.B.I has submitted that the applicant's case is not similar to that of 42 other NGOs, who have been exonerated by the Investigating Officer. The investigation has revealed that the applicant was allotted eight mobile creche centres in District Kushinagar and a total grant of Rs. 12,83,560/- was disbursed to the applicant. During investigation, field inspection of two centres at Bharvaliya and Ahirauli Rai-I was carried out. Bharvaliya centre was being operated from the residence of the creche worker Smt. Neelam Devi. She stated that she received less salary than mandated and she denied her signatures on the salary register. Ahirauli Rai-I centre was being operated from the residence of creche worker Smt. Rinku. She stated that she was paid only Rs. 1,000/- on two or three occasions over a period of six months and she also denied her signatures on the salary register.

9. The investigation has revealed that the applicant, who was Mahasachiv of Samajik Anushandhan Evam Manav Vikas Sansthan, Kushinagar, has submitted false and fabricated documents regarding the actual functioning of creche centres and has dishonestly misappropriated government funds. The creche employees categorically denied their signature on the salary register. Expert opinion from Central Forensic Science Laboratory (CFSL) has corroborated these denials confirming that the signatures were not genuine. These facts clearly establish deliberate manipulation of official records, which act is calculated to defraud the government and cause wrongful loss to the public exchequer and secure unlawful, personal and institutional gain.

10. Having gone through the averments made in the additional charge-sheet against the applicant, I am of the view that the aforesaid allegations, prima facie establish commission of cognizable offence against the applicant and make out a case for his trial.

11. The learned counsel for the petitioner has submitted that some of the sections mentioned in the charge-sheet are not made out.

12. When a case of trial for commission of cognizable offences is made out, in case offences under some sections are not made out, it is always

open to the applicant to move an appropriate application before the trial court and the trial court will examine this fact while framing charges also. Even afterwards, it is always open to an accused person to file an application for alteration of charges. Therefore, this ground need not be gone into by this Court, when this Court is of the view that the case for trial of the applicant is made out.

13. In view of the foregoing discussion, I do not find any force in the present application and the same is, accordingly, **dismissed**.

(Subhash Vidyarthi,J.)

March 26, 2026

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