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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO.53 OF 2022

Chatrabhuj s/o Vitthalrao Chalak

....APPLICANT

VERSUS

The State of Maharashtra,
Through P. I. Kaij, Police Station,
Beed

....RESPONDENT

.....

Mr Ashish P. Hazari, Advocate h/f Mr Amol B. Chalak, Advocate for
Applicant

Mr C. V. Bhadane, APP for Respondent/State

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 03 SEPTEMBER, 2026

P. C. :

1. The applicant is challenging the judgment and order dated 4/11/2020, passed in Criminal Appeal No. 81/2015, wherein the learned Sessions Judge, Ambajogai, dismissed his appeal. In the said appeal, the applicant had challenged his conviction judgment and order dated 28/09/2015, passed by the learned Judicial Magistrate First Class, Kaij in R.C.C. No.216/2011, wherein he came to be convicted for the offence punishable under Section 465 of the Indian Penal Code (for short "IPC") and was sentenced to suffer simple imprisonment for

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one year and to pay a fine of Rs.20,000/-, in default to pay fine, to suffer simple imprisonment for two months.

2. Heard Mr. Ashish P. Hazari, learned Advocate holding for Advocate Mr. Amol B. Chalak for the applicant and Mr. C. V. Bhadane, learned APP for the State.

3. The brief facts of the case are as follows:

(a) On 25/06/2011, the informant PSI Ramakant Dhondiba Panchal, on the basis of secret information, conducted a raid at the S.T. bus stand, Kaij, Dist Beed. In view of the said raid, he searched the applicant, who was standing at the bus stand, and during the search, one fake laminated identity card, issued by Social Welfare Department, Zilla Parishad, Beed for handicapped person, was seized from the applicant. The said fake identity card was being used for getting a concession of 1/4th rupees from the entire bus fare. The applicant had admitted that he is healthy and having no any physical disability.

(b) After seizing the said identity card, panchanama was carried out and the applicant was prosecuted for the offence punishable under Sections 420, 468, 465, and 471 of the IPC. After investigation, the charge sheet was filed against the applicant.

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(c) The prosecution has examined seven witnesses. PW-1/Pappu Vijaykumar Ingale, seizure panch witness; PW-2/Mahadeo Satwa Satpute and PW-3/Vishal Babanrao Wadmare, both of whom were police constables and were present during the raid. PW-4/Balu Ram Kachule, who is the second seizure panch witness. PW-5/Ramakant Dhondiba Panchal, the informant, who conducted the raid and filed complaint at Exhibit 23. PW-6/API Haribhau Fattu Rathod, the investigating officer and PW-7/Sunil Keshav Kumbhare, a District Animal Husbandry Officer.

(d) The learned Judicial Magistrate First Class, Kaij, vide his judgment and order dated 28/09/2015 convicted the applicant for the offence punishable under Section 465 of the IPC and sentenced him as aforesaid.

(e) Being aggrieved by the judgment, the applicant preferred appeal before the learned Additional Sessions Judge, Ambajogai, Dist. Beed. Learned Sessions Judge dismissed the appeal of the applicant by confirming the judgment of learned Judicial Magistrate First Class, Kaij.

Therefore, being aggrieved by the two concurrent findings, the applicant has approached this Court by filing present

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criminal revision application under Section 397 of the Code of Criminal Procedure.

4. Mr Hazari, learned Advocate for applicant submits the judgment and orders of the learned Courts below are illegal and not sustainable in law. He then submits that the prosecution has failed to prove the offence under Section 465 of the Indian Penal Code against the applicant. According to him, the applicant cannot be convicted on the basis of the evidence brought by the prosecution before the Court. He then submits that the learned Trial Court as well as the learned Appellate Courts have committed a grave error of law, thereby convicting him under Section 465 of the IPC. He further submits that there is nothing on record to suggest that the alleged fake identity card seized from the applicant, was prepared and manufactured by the applicant himself for using the same in order to cheat the Maharashtra State Road Transport Corporation (MSRTC).

5. Mr Hazari further submits that the prosecution witnesses are police witnesses and no independent witnesses have been examined. There is no strong evidence against the applicant, so as to convict him for the charges levelled against him. He further submits that the applicant has been targeted by the Police Sub-Inspector, who had a grudge against the applicant.

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6. Mr. Hazari then took this Court through the provisions of Sections 464 and 465 of the IPC, wherein the offence under Section 465 (forgery) has been defined. After reading the said provisions, Mr Hazari submits that, as per the evidence brought by the prosecution, the applicant cannot be said to be guilty of the aforesaid offence. He, therefore, submits that the conviction imposed by the learned Courts below is not sustainable, and as such, he should be acquitted by allowing the instant revision application.

7. Per contra, Mr Bhadane, learned APP for the State strongly opposes the instant Criminal Revision Application. He submits that the record discloses strong evidence against the applicant. The prosecution witnesses have clearly deposed that the applicant was found in possession of a fake identity card and from his possession, the said fake identity card was seized. The applicant was using the said fake identity card for the purpose of getting a concession on bus fares. Thus, there was a clear intention on the part of the applicant to use the said fake identity card to cheat the Transport Corporation. He, therefore, submits that the learned Trial Court as well as the learned Appellate Courts have passed correct judgments and orders and as such, no interference of this Court is warranted. Thus, he prays for dismissal of the instant Criminal Revision Application.

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8. After hearing the learned Advocates for the rival parties and going through the record available before this court, I found that the prosecution tried to establish the guilt of the applicant on the basis of the depositions of seven witnesses. The testimonies of these witnesses have been minutely scrutinized. Most of the witnesses are police witnesses. It is not disclosed, as to how the applicant was using the said fake identity card in order to cheat the MSRTC. In the absence of averments or record to suggest that the applicant was using the said fake identity card in order to cheat the MSRTC, it cannot be held that the applicant has caused any loss to the MSRTC. There is nothing to suggest that the applicant has ever used that fake identity card for the purpose of cheating the MSRTC.

9. The panch witnesses have not supported the prosecution. Moreover, the applicant, in his statement recorded under Section 313 of the Code of Criminal Procedure, has stated that the Police Inspector, who conducted the raid had a previous dispute with the applicant. He had obtained his photograph from elsewhere and prepared the identity card. In order to falsely implicate the applicant, the said Police Sub-Inspector conducted a raid on the basis of alleged secret information and arrested the applicant from the bus stand, on the pretext that he

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was using the said fake identity card in order to cheat the Maharashtra State Road Transport Corporation.

10. It appears that the learned lower Courts below have ignored the provisions of Section 465 of the IPC. In order to attract the provisions of Section 465, which is for punishment for forgery, the prosecution is required to establish that the document seized from the applicant must be a false one and must have been made dishonestly or fraudulently. It must have been made with the intent to cause damage or injury to any person. The evidence collected and put forth by the prosecution before the learned Court below falls short of the said purposes. The applicant, though found to be in possession of the said fake identity card, however, it is not established that he intended to use it in order to cause damage to the MSRTC. There is also nothing on record on the basis of the said evidence, to suggest that the applicant had a fraudulent or dishonest intention in order to prepare the alleged fake identity card. Whether the said fake identity card was prepared or made by the applicant is also not clearly established. Mere possession and recovery from the accused regarding the fake document shall not make him guilty of the offence of forgery.

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11. In that view of the matter, the learned lower Courts below have committed an error in convicting the applicant. Therefore, the impugned conviction is not sustainable and the present revision application deserves to be allowed. Hence, I pass the following order:

ORDER

- (I). The instant Criminal Revision Application is allowed.
- (II). The judgment and order dated 04/11/2020, passed by the learned Additional Sessions Judge, Ambajogai in Criminal Appeal No.81/2015 and judgment and order dated 28/09/2015, passed by the learned Judicial Magistrate First Class, Kaij in R.C.C. No.216/2011 are hereby quashed and set aside.
- (III) The applicant is acquitted of the offence punishable under Section 465 registered against him vide Crime No.186/2011 with the Kaij Police Station, Dist. Beed.
- (IV). Bail bond stands cancelled.
- (V). Record be sent to the Trial Court.

[SUSHIL M. GHODESWAR, J.]

sjk