

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 479 of 2015

1. Gyanchand Parakh, S/o. Bhanwarlal Parakh, Aged about 51 years, R/o Near Punjabi Gurudwara, Old Motor Stand, Ward Dhamtari, Tah. and District Dhamtari Chhattisgarh.

---- Petitioner

Versus

1. Neeta Saloman, Principal, Modal English School, Civil Lines, Dhamtari, Police Station, Tah. and District Dhamtari, Chhattisgarh.
2. Manager, Modal English School, Civil Lines, Dhamtari, Police Station, Tah. and District Dhamtari, Chhattisgarh.
3. Ashok Deshmukh, Modal English School, Civil Lines, Dhamtari, Police Station, Tah. and District Dhamtari, Chhattisgarh.

---- Respondents

For Petitioner : Mr. P.P. Sahu, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/08/2015

1. Challenge in this petition is to the order dated 24.04.2015, passed by the Court of Additional Sessions Judge, Dhamtari, in Criminal Revision No.05/2015, whereby the order passed by the Judicial Magistrate First Class, Dhamtari, dated 19.01.2015 in Criminal Complaint Case No.193/2013 between Gyanchand Parakh and Neeta Saloman & Ors, has been affirmed.
2. It was stated by the petitioner that the daughter of the petitioner namely Twinkle Parakh had appeared in Class-9th in the School

named Modal English School in the year 2010, wherein the respondent No.1, Neeta Saloman is the principal and one Manager and Mr. Ashok Deshmukh is in-charge. It was stated that despite supplementary, she was allowed to sit in the class-10th as regular student for which the fees was also deposited. It was further stated that the daughter of the petitioner appeared for supplementary exam and the result was not declared but on 02.03.2012, when the result of Class-9th was asked for, result of failure was given to the daughter of the petitioner. It was therefore, contended that how the result of failure is being given, despite the fact that she was allowed to study in class-10th. Consequently, it is stated that one year was lost that of the daughter of the petitioner, therefore, the offence under Section 420, 467, 468 & 471 of I.P.C. is made out.

3. Learned counsel for the petitioner submits that at this stage of registration of complaint, the learned Magistrate was not empowered to see whether the evidence adduced will lead into conviction and only the prima-facie evidence should have been considered.
4. I have gone through the order of the Revisional Court and the documents attached with this petition.
5. Admittedly, as per the petitioner, the daughter of the petitioner failed in Class-9th for 2010-2011. The order records that from the police verification, it came to fore that despite daughter of the petitioner failed, she was allowed to sit as a private student of Class 10th, however, it came to fore that in two subjects, the daughter of the

petitioner had failed. Since the daughter of the petitioner could not pass out class- 9th, therefore, naturally she could not have been admitted to class 10th but the order of the Court below shows that at the request of the father of the student i.e. the petitioner, the daughter of the petitioner was allowed to sit in class-10th. Consequently, in the opinion of this Court, the daughter of the petitioner was allowed at the request of the petitioner, therefore, no criminality can be attributed to the respondent.

6. Reading of the order of the both the Courts below would show that no jurisdictional error has been committed by both the Courts below vested in it by law.
7. In view of the forgoing, I do not find any merit in this case to invoke the jurisdiction under Section 482 of the Code of Criminal Procedure. In a consequence, the petition has no merit and it is dismissed accordingly.

Sd/-
(Goutam Bhaduri)
Judge