

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

CRIMINAL REVISION APPLICATION NO. 309 OF 2002

Kanchansing s/o Gulabsing Pardeshi,
age 78 years, Secretary
Kailaswasi Shrimant Sau. Manikraje
Shivram Pawar, Vishwasrao
Educational and Historical Trust,
Nagardevla, Taluka Pachora,
District Jalgaon,
R/o Nagardevla, Taluka Pachora,
District Jalgaon

...Applicant

VERSUS

1] Maharusing Ratansing Raul,
age 33 years,
R/o Nagardevla,
Taluka Pachora, Dist. Jalgaon,

2] The State of Maharashtra,
through Police Sub-Inspector,
Pachora Police Station,
Pachora, Dist. Jalgaon

...Respondents
[No. 1 Original Accused]

.....
Shri A.V.Sakolkar, advocate h/f
Shri V.G.Sakolkar, advocate for applicant
Shri P.R.Patil, advocate for respondent no.1
Shri V.H.Dighe, A.P.P. for respondent no.2
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CORAM : V.M.DESHPANDE, J.

DATED : 20th February, 2015

ORAL JUDGMENT :-

1] By the present Revision, the applicant (PW 2) is challenging the judgment and order of acquittal, passed by the Judicial Magistrate, First Class, Pachora on 30.8.2002 in Regular Criminal Case No. 15 of 1996, whereby the learned trial court acquitted the non-applicant no.1 for the offences punishable under Sections 468, 471, 420 of the Indian Penal Code.

2] I have heard Shri A.V.Sakolkar, advocate h/f Shri V.G.Sakolkar, advocate for applicant, Shri P.R.Patil, advocate for respondent no.1 and Shri V.H.Dighe, Additional Public Prosecutor for respondent no.2 in extenso. With their able assistance, I have also gone through the record and proceedings.

3] The sum and substance of the allegations against non-applicant no.1 is that he procured a false caste certificate showing that he belongs to 'Rajput Bhamta' and on the basis of said certificate he procured employment with Rajmata Jijabai Bhosale Girls High School at village Nagardevla, which is run by Kailaswasi Shrimant Sau. Manikraje Shivram Pawar, Vishwasrao Educational and Historical Trust, Nagardevla, Taluka Pachora, District Jalgaon, of which the present applicant

was the Secretary.

3] In order to bring home the guilt of non-applicant no.1, the prosecution has examined in all four witnesses including present applicant as its Prosecution Witness No.2.

The relevant evidence will be of PW 4 Ramesh Jadhav, who was working as Clerk at Tahsil Office, Bhadgaon, the office which has issued the caste certificate in favour of non-applicant no.1. He produced register (Exh.55). The said register is not having the entry of issuing caste certificate to the non-applicant no.2.

4] The learned counsel for the applicant vehemently urged that, in view of the fact that there is no reference and/or entry in respect of the caste certificate issued in favour of non-applicant no.1, it has to be presumed that the caste certificate submitted by the non-applicant no.1 is false and bogus, and therefore, the learned trial court, in his submission, committed mistake in not convicting non-applicant no.1.

The afore said submission of the learned counsel will have to be scrutinized in the light of the evidence of the said witness Ramesh, which is reproduced herein below.

“ १९८४ साली कोणता कारकून जातीचे प्रमाणपत्र रजिस्टर मध्ये नोंदी घेत होता त्यांचे नाव मला माहित नाही. जातीचे प्रमाणपत्र नि. ३६ याचेवर तहसील कार्यालयाचा शिक्का आहे पण त्या प्रमाणपत्राची नोंद रजिस्टर मध्ये नाही. प्रमाणपत्रावर

नायब तहसीलदार यांची सही आहे. १९८४ ते १९८८ या काळात जातीचे दाखले दिले परंतु त्यांच्या नोन्दी रजिस्टर मध्ये घेतल्या नाही असे झाले कि काय मी सांगू शकत नाही.

हे म्हणणे खरे आहे कि ज्या सरटीफीकेट नोन्द करिता दिले त्याची चौकशी करण्याबाबत कार्यालयाकडे आदेश आले होते. हे मी सांगू शकत नाही कि प्रस्तुत केस मधील प्रमाणपत्र आमचे कार्यालयाने दिले आहे व संबंधीत क्लार्कच्या निष्काळजीपणामुळे त्यांची नोन्द घेण्यात आली नाही. “

From the afore said evidence, it is clear that the seal appearing on the caste certificate (Exh.36) of Tahsil Office, Bhadgaon is genuine one. Further, this witness has not disputed the authenticity of the signature of the Naib Tahsildar appearing on Exh.36.

5] In the light of above, merely because there is no entry of the said caste certificate in the register, it would be hazardous to jump to the conclusion that the caste certificate is bogus, especially when looking to the afore said evidence, the possibility of committing mistake by the concerned Clerk at the relevant time in not taking entry in the said register cannot be ruled out.

6] Further it was open for the school management to refer the said certificate to the Caste Verification Committee. The said Committee has ample power to verify the caste certificate and decide its authenticity. The learned trial court has considered the case from the said angle also.

7] In view of the above discussion, it is clear that there is no sufficient material and/or evidence to reach to the conclusion that the caste certificate in question is bogus and/or fabricated one. The view taken by the learned Magistrate, in my opinion, is permissible looking to the prosecution evidence.

8] In that view of the matter, I see no reason to interfere with the said judgment and order of acquittal in the limited revisional jurisdiction. Hence, Revision is dismissed. Rule is discharged.

[V.M.DESHPANDE, J.]

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