

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION NO.87/2014

**(Shrikant s/o Bapuroaji Bangde ..vs.. State of Maharashtra, through PSO P.S.
Sewagaram and ors.)**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. J. Y. Ghurde, Advocate for applicant.
Ms T. H. Udeshi, A.P.P. for non applicant-State.
Ms A. Singh, Advocate h/r Mr. P. D. Meghe, Advocate
non applicant no.2.

CORAM : V. M. DESHPANDE, J.
DATE : SEPTEMBER 3, 2015.

By the present revision, the applicant is questioning the correctness of the judgment and order of acquittal passed by learned Judicial Magistrate First Class, Wardha in Regular Criminal Case No.168/2008 dated 09.06.2011 by which the learned trial Magistrate acquitted non applicant no.2 of the offence punishable under Section 420, 468, 471 of the IPC together with judgment and order dated 02.04.2014 passed by the learned Sessions Judge, Chandrapur in Criminal Appeal No.65/2011 by which the learned Sessions Judge dismissed the appeal challenging the aforesaid order of acquittal filed by the present appellant.

I have heard Mr. J. Y. Ghurde, learned counsel for the applicant, Ms T. Udeshi, A.P.P. for

non applicant no.1-State and Ms. A. Singh, Advocate for non applicant no.2.

According to the prosecution, the non applicant no.2 was working as teacher with Shikshan Sewa Mandal Pawnar's Bapuraoji Bangde Mahavidyalaya. At the time of entry in the service along with his application, he attached certificate of passing in respect of his 10th standard duly issued by Board of Secondary Education, Nagpur. The said certificate depicts the date of birth of non applicant no.2 as 10.10.1945. On the basis of the same, the entry was taken in respect of his date of birth in his service record. Non applicant no.2 commenced his service from 24.06.1963. In the year 1970, gradation list of the employees working under the institution was prepared. That time also, the date of birth of non applicant no.2 was taken as 10.10.1945, however, at the time of preparation of documents for pension, which requires verification of certificate, in the year 1998, when the original documents in respect of the birth date was called upon that time, it was noticed that there was some erasing in respect of date of birth of non applicant no.2. A written complaint was filed against non applicant no.2 by President of the Shikshan Sewa Mandal with Police on 31.08.2006. On the basis of the same, offence vide Crime No. 160/2006 for the offence punishable

under Section 420, 468, 471 was registered. The learned trial Magistrate acquitted the non applicant no.2. Though, it was a State case, the State did not prefer an appeal. However, the applicant, who was the complainant, preferred the appeal.

After hearing learned counsel and after having gone through the impugned judgment, it is clear that the Head Master Mr. Bute, who has given the notice to non applicant no.2, is not examined by the prosecution.

Further, there is no evidence which could be accepted, is brought on record by the prosecution that the non applicant no.2 has prepared documents which, according to the prosecution, was forged one.

The learned trial Court and the appellate court, after minutely scrutinizing the evidence brought on record has correctly reached to the conclusion that the prosecution has utterly failed to bring home the charge against non applicant no.2. No case is made out for interference in the present revision application.

In view of above, Criminal Revision No.87/2014 is rejected.

JUDGE