

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 456 of 1995**

Khuman Ram Sahu aged about 47 years son of Late Shri Ganjan Sahu, resident of Ravishankar University Campus, Raipur, Madhya Pradesh.

----Applicant**Versus**

State of Madhya Pradesh (Now Chhattisgarh).

---- Respondent

For Applicant	: None.
For Respondent	: Ms. Madhunisha Singh, Panel Lawyer
For Respondent/CBI	: Shri Pawan Kesharwani, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****12/08/2016**

1. This is a revision of the year 1995. On 24.06.2016, Shri Manay Nath Thakur had appeared for the Petitioner and prayed for time. The case was adjourned to 12.07.2016 on which date, none appeared for the Petitioner. Thereafter, on 15.07.2016, none appeared for the Petitioner. Today also, none appears for the Petitioner. This Court therefore proceeds to decide this revision petition on merits.
2. This revision petition has been filed by the Petitioner challenging the judgment dated 27.05.1995 passed by the 5th Additional Judge (exercising powers of Special Judge, CBI) in Criminal Appeal No. 46 of 1993 whereby he confirmed the order of conviction dated 30.04.1993 passed by the Special Judicial Magistrate, CBI in Criminal Case No. 1076 of 1988, but reduced the sentence. The learned Trial Court had convicted the accused of having committed offences punishable under Sections 120-B read with Section 420 and Section 468 IPC for

which he was sentenced to six months rigorous imprisonment. The accused was also convicted under Section 109 read with Section 140 IPC and sentenced to six months rigorous imprisonment. Both the sentences were directed to run concurrently. The learned Appellate Court while upholding the conviction, reduced the sentence to fine of Rs. 5000/- in all i.e. Rs. 2,500/- each under both offences under Sections 420 and 468 IPC and imprisonment till rising of the Court. The fine has been paid.

3. None has appeared on behalf of the Petitioner to argue the matter.

4. I have carefully gone through the record and from the record, it is apparent that the Petitioner was working as Lower Division Clerk in the Examination Branch of Raipur University. He alongwith three other officials and 26 students were prosecuted for having committed the aforesaid offences. The main allegation was that these four officials in conspiracy with the students, had enhanced the marks obtained and issued duplicate marksheets mentioning enhanced marks and therefore, they had committed offence of both cheating and forgery. As far as 26 students of the University are concerned, they all pleaded guilty and were discharged after giving them the benefit of Probation of Offenders Act. The prosecution examined 101 witnesses and produced 1019 documents and the learned Trial Court, after perusing the statements of the witnesses as well as the documents held the Petitioner guilty. It found that the Petitioner and the other officials had changed the marks of the students which fact was admitted by the students themselves. The appeal filed by the Petitioner was also rejected by the Appellate Court on merits. In fact, the Petitioner has been let off very lightly by the Appellate Court.

5. The findings given by both the Courts below are pure finding of fact. In the criminal revision itself, no legal error in the judgment has been pointed out and all that is stated is that the Courts below erred in holding that the Petitioner was responsible for issuing false duplicate marksheets. It was admitted that Petitioner

was a duplicator and it was his duty to ensure that the duplicate marksheets are exactly the same as the original marksheets. Therefore, the charge against him is proved beyond reasonable doubt.

6. In view of the above discussion, I find no merit in the revision petition. It is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE