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

CRIMINAL APPLICATION NO.1128 OF 2016

Madhukar s/o Dangal Patil,
Age: 67 years, Occ: Agri.,
R/o. Morane Praner,
Tq. & Dist. Dhule. ..APPLICANT

VERSUS

The State of Maharashtra & ors. ..RESPONDENTS

Mr B.S. Deokar, Advocate for applicant;
Mr C.V. Dharurkar, A.P.P. for respondent/State

CORAM : N.W. SAMBRE, J.

DATE : 24th OCTOBER, 2016

ORAL ORDER :

Heard learned Counsel for the applicant-original complainant and learned A.P.P. for the State. Learned Counsel for the applicant makes motion for deleting the accused, as the order passed by Court below is innocuous and that is not causing prejudice to the rights of the accused. Said prayer is granted.

2. In Crime No. 333 of 2011 for the offence

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punishable under Section 306 read with Section 34 of the Indian Penal Code, statement of one Dilip Suryawanshi came to be recorded, in which he claimed that the accused persons have tampered with the service book, which was one of the cause for abetting suicide of the victim.

3. As a consequence of above statement in Sessions Case No.97 of 2012, an application at Exhibit-35 came to be moved under Section 91 of the Code of Criminal Procedure praying issuance of summons to produce documents to Head Master, Adarsha Madhyamik Vidyalaya, Morane Pra Ner, Taluka and District Dhule, by learned A.P.P. The said application came to be rejected by the impugned order dated 7th December, 2015. As such, present criminal application.

4. What is perused from the order impugned is that learned Sessions Judge rejected the application on the ground that the relationship of employer and employee between victim and management

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is not in dispute and rather the deceased was serving as junior teacher, filing of appeal before School Tribunal is not in dispute.

5. In my opinion, the said considerations are with germane to the cause. However, what is required to be noted that the case, that is sought to be put forth by prosecution, particularly in the light of statement of Dilip Suryawanshi speaks of tampering service book of the deceased. As such, the application should have been granted by learned Sessions Judge.

6. In view thereof, application at Exhibit-35 stands allowed. The Head master, Adarsha Madhyamik Vidyalaya, Morane Pra Ner, Taluka and District Dhule is directed to produce the service book of deceased Sharad Dangal Patil before the Court below.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)