

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

CRIMINAL APPLICATION (ABA) NO. 464 OF 2016

(Manish Radheshyam Chorwal Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri Firdos Mirza, Advocate for the applicant.
Smt. M. H. Deshmukh, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.
DATED : 01 AUGUST, 2016

Heard.

The only allegation made against this applicant is that by putting the remark regarding verification from the original document, this applicant has attested a map, which, according to the complainant, is a false document prepared by the beneficiary in collusion with this applicant.

The learned A.P.P. for the State has, therefore, strongly opposed this application contending that custodial interrogation of the applicant would be required.

On going through the disputed document, it is seen that what this applicant has done is only the attestation of a document as correct after his verification done from the original document shown by the applicant, i.e. the beneficiary. This applicant has nowhere stated in his said remark that he has verified the copy of the map

from the original record and found it to be correct. What he has endorsed is, verification of copy of the map from the map stated to be the original and shown to him by the beneficiary. Such being the case, it was expected of the investigating officer to have unearthed the material regarding the role played by this applicant in preparing the document, which was shown to be the original by the beneficiary. No such material is available on record. Prima facie, it appears to me, this applicant being a gazetted officer, has only attested the document without exercising proper care and caution. It may also be true that he may not have had any authority to attest the document. But, in that case, at the most, departmental action could be taken against this applicant for carelessness and negligence in doing his official duty in this case. At this stage, there being no material present on record showing any criminality on the part of this applicant, this applicant cannot be denied the relief of anticipatory bail. Hence, the order.:

The application is allowed and the interim bail granted to this applicant by this Court on 18/7/2016 is hereby confirmed on the same conditions.

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : W. W. Lichade

Uploaded on : 02/8/2016