

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 552 OF 2015**

Amol Ramesh Prabhu and Ors.	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

CRIMINAL REVISION APPLICATION NO. 561 OF 2015

Chandrakant Manilal Doshi	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Ms. Vrishali Raje for the Applicant.
Mr. Vinod Chate, APP for the State.

**CORAM : A. K. MENON, J.
DATE : 3rd AUGUST, 2017**

P.C.:

1. By these two revision application, the applicants have called into question order dated 1st September, 2015 passed by the Sessions Court on a common application seeking discharge. The application for discharge is dated 19th July, 2011. The impugned order while dealing with the application for discharge has inter alia observed that there is a prima facie case against the accused under Section 255 and therefore no interference is warranted.

2. Learned Counsel for the applicants has however suggested that there is absolutely no evidence against this applicant as far as Section 255 is concerned. There is no seizure of any equipment used for counterfeiting. It is case of the applicant as canvassed by the learned Counsel that Section 255 provides that the offender participating in the process of counterfeiting any stamp issued by the Government and Section 256 contemplates possession of instrument or material used for the purpose of counterfeiting.

3. In the instant case, the fact reveal that 18 agreements for sale dated 9th April, 2003 /29th April, 2003/ 8th May, 2003 were all found to contain franking endorsement which according to the prosecution were forged. The prosecution has relied upon statement of the relevant officers of the Sub-Registrar of Assurances who have stated that the agreement which were presented for registration had been franked with duty which was forged. Furthermore the rubber stamps and signatures were also forged. These are sought to be questioned on the basis that there has been no recovery of any of the rubber stamp or other equipment stated to have been used.

4. Learned Counsel for the applicant also relied upon judgment of this Court in *Manmit Saggu & Anr. vs. State of Maharashtra*. [2009 ALL MR (Cri) 735] and relied upon paragraph 13 and the observation that seizure of the printing machinery was really relevant for the purpose of establishing the admission of the offence. To prove an offence under Section 255 or 256 it has to be established

that the accused was part of the process / Act. The absence of such finding has been highlighted by the learned counsel for the applicant.

5. Having considered the facts the Sessions Court has observed in paragraph 13 and 14 a prima facie case has been made out against the accused. The charge sheet was filed in 2008 whereas the application for discharge is filed in 2011. I find nothing perverse or erroneous in the order. This order does not call for interference.

6. I therefore pass the following order :

- (i) The Revision Applications are dismissed.
- (ii) Needless to mention, the trial Court shall not be influenced by any of the observations in this order.

(A. K. MENON, J.)