

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

Criminal Application (APL) No. 140 of 2017

(Bharat Krushnarao Kamble Vs. The State of Maharashtra through P.S.O.,
Gadgenagar, Amravati and ors.)

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

Court's or Judge's order

Shri D. P. Dapurkar, Advocate for the applicant
Shri S. S. Doifode, A.P.P. for the non-applicants

**CORAM : SMT. VASANTI A NAIK AND
M. G. GIRATKAR, JJ.**

DATE : 07-08-2017.

By this criminal application, the applicant seeks the quashing of the First Information Report (FIR) in Crime No. 125/2013 dated 12-4-2013 for the offences punishable under Sections 408, 420 and 468 of the Indian Penal Code.

The applicant is employed in the office of the District Supply Officer. According to the applicant, a false report was lodged against the applicant on the basis of the news published in the daily 'Lokmat' on 9-4-2013 that ration cards in the fair price shop of Shri Wakode at Amravati were wrongly shown in the name of Hon'ble Chief Minister and certain other persons though yellow ration cards are meant for the persons below poverty line. It is stated that on the basis of a false news item published in the daily 'Lokmat', an enquiry was conducted in the complaint made against the applicant and on enquiry the First Information Report was registered against the applicant. It is stated that the applicant is not able to

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seek promotion though he is entitled to the same in view of registering of the First Information Report. It is submitted that despite the lapse of nearly four years, the investigation is not completed and the charge-sheet is not filed. It is stated that on the basis of the material secured by the non-applicant nos. 1 and 2 in the enquiry, the offences punishable under Sections 408, 420 and 468 of the Indian Penal Code cannot be *prima facie* made out.

On the other hand, it is submitted on behalf of the respondent no. 2 by the learned Additional Public Prosecutor by taking this Court through the affidavit in reply that though yellow ration cards are meant for families below poverty line, it *prima facie* appears from the news item published in the newspaper that in the fair price shop of one Shri Wakode at Amravati, the ration cards were issued in the name of Hon'ble Chief Minister and some other Ministers though yellow ration cards are meant for the families below poverty line. It is submitted that on the basis of the report, an enquiry was conducted and it was found by the Deputy Collector that the applicant was involved in the said matter. It is stated that an enquiry was conducted and it was held that the applicant was responsible for the disappearance of 134 ration cards that were found to be missing. It is stated that it was further found that during the search in the house of the applicant, certain documents from Food and Civil Supply Department

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were seized. It is stated that since the matter was transferred from the non-applicant no. 1 to non-applicant no. 2, there was some delay in completing the investigation. It is submitted that investigation would be completed within a short time and preferably within three months.

It *prima facie* cannot be said that no offence under Sections 408, 420 and 468 of the Indian Penal Code could be registered against the applicant on the basis of the material seized from the house of the applicant and the enquiry report of the Deputy Collector. It *prima facie* appears that 134 ration cards were found to be missing and the applicant had been *prima facie* held to be responsible for that. Moreover, the yellow cards were found to have been issued in the name of the Ministers, though they were meant for persons below poverty line. Also, certain documents of the Food and Civil Supplies Department were seized from the house of the applicant. It cannot be said in the facts and circumstances of the case that there was no material before the non-applicant nos. 1 and 2 to register the First Information Report against the applicant under Sections 408, 420 and 468 of the Indian Penal Code.

In the result, the criminal application is dismissed with no order as to costs.

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