

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (APPA) NO.324/2017**

Munishwar Ramchandra Kohpare ..vs.. State of Maharashtra thr. its PSO
Adyal, Pavni, Bhandara and ors.

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

Court's or Judge's orders.

Mr. Sk. Sohailuddin, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 13, 2017

Heard learned counsel for the applicant at length. The present appeal is against the judgment and order of acquittal passed by the learned Magistrate, Pavani in Regular Criminal Case No.18/2010 dated 07.05.2015 whereby the learned Magistrate acquitted the respondents of the offence punishable under Section 420, 468, 471 read with Section 34 of the IPC. The present applicant is the complainant. He filed the FIR against the respondent in the year 2006. His report is at Exh.-40. According to the FIR, the respondent no.3-Satyawan, who was arrayed as accused no.2 in the criminal proceedings has fabricated the Transfer Certificate and has forged the signature of the present applicant. The complainant entered into the witness box and his evidence is at Exh.-380. Similarly, the disputed transfer certificates were issued under the seizure memo Exh.-42 and 43 one of the TC was of one Bhajan Chintanwar, who was examined by the prosecution as its witness no.9.

Admittedly, the present applicant/complainant retired on 31.09.1995. According to the prosecution, the alleged crime occurred in the year 1995. However, the complaint was lodged for the first time in the year 2006. Thus, there is an inordinate delay. Though the complainant tried to explain that delay, in my view, the learned Magistrate has given a thoughtful consideration to it and rightly recorded a finding that the delay is fatal to the case.

The learned Magistrate also found that the prosecution has not taken any steps in respect of comparing of the writing of the accused persons in support of the admitted documents. After having gone through the judgment, I find that it gives sound reasoning. The view taken by the learned Magistrate is a possible view and therefore no case is made out for interference in the same.

In view of above, the criminal application is dismissed.

JUDGE