

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

CRIMINAL APPLICATION (ABA) NO.641 OF 2017

Juhi Pravinkumar Meshram

..vs..

State of Mah., thr. PSO Gadge Nagar, Amravati, Tahsil and District Amravati

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

Court's or Judge's Order

Shri R.D. Wakode, Counsel for the applicant.

Shri M.J. Khan, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 28, 2017.

1. The applicant is apprehending her arrest in connection with Crime No.0593 of 2017 registered with Police Station Gadge Nagar, Amravati City, District Amravati for the offences punishable under Sections 10(1)(2)(3) and 11(1)(2) of the Maharashtra Scheduled Caste and Scheduled Tribes, V.J. N.T.'s Other Backward Classes and Special Backward Categories (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No.XXIII of 2001) and Sections 468 and 471 of the Indian Penal Code.

2. Heard learned counsel Shri R.D. Wakode for the applicant. He submits that the applicant is a girl and is a student. He submits that her caste certificate was submitted for its verification before the Scheduled Tribes Certificate Scrutiny Committee, Amravati Region, Amravati. On 29.6.2017, the said

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Committee found that the present applicant has obtained the tribe certificate fraudulently by suppressing the material facts. Therefore, her claim as Scheduled Tribe "Khatola" was invalidated. The caste certificate was also cancelled and confiscated. The Dean of Dr. Panjabrao Bhuarao Deshmukh Memorial Medical College, Amravati was also directed to take action against the applicant as per Section 10(1)(2)(3) and 11(1)(2) of the Maharashtra Scheduled Caste and Scheduled Tribes, V.J. N.T.'s Other Backward Classes and Special Backward Categories (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No.XXIII of 2001) as she has secured admission under the reserved seat meant for the Scheduled Tribes.

3. According to learned counsel Shri R.D. Wakode for the applicant, the applicant is in process of filing the writ petition before this Court questioning the correctness or otherwise order passed by the Scrutiny Committee.

4. The applicant has every right to question the correctness or otherwise of the order passed by the Scrutiny Committee.

5. Further, the custody of the applicant is demanded by the investigating officer for collecting the documents. Those documents are very much available with the Caste Scrutiny Committee itself. Therefore, the investigating officer can very

well obtain those documents, which according to the investigating officer are necessary for the investigation.

6. Further, the applicant is a student of final year MBBS. She is also a woman.

7. In that view of the matter, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) In the event of arrest of applicant Juhi Pravinkumar Meshram, in connection with Crime No.0593 of 2017 registered with Police Station Gadge Nagar, Amravati City, District Amravati for the offences punishable under Sections 10(1)(2)(3) and 11(1)(2) of the Maharashtra Scheduled Caste and Scheduled Tribes, V.J. N.T.'s Other Backward Classes and Special Backward Categories (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No.XXIII of 2001) and Sections 468 and 471 of the Indian Penal Code, the applicant be released on bail on she executing a P.R. Bond in the sum of Rs.5,000/- with one solvent surety of the like amount.

ii) With this, the criminal application is disposed of.

JUDGE

!! BRW !!