

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

CRIMINAL APPLICATION (ABA) NO.662/2017

Sharad s/o Madhav Tinghase ..vs.. State of Maharashtra thr. PSO PS
Wardha (City)

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

Court's or Judge's orders.

Mr. S. K. Verma, Advocate for applicant.
Mr. I. Damle, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 25, 2017.

Heard Mr. S.K. Verma, Advocate for applicant
and Mr. I. Damle, A.P.P. for non applicant-State.

The submission before this Court by the
present applicant is that in view of the order passed by
this Court on 15.09.2017, the present applicant has
attended the Police Station as per the directions
contained in the said order and has already extended
cooperation to the investigating officer. It is also the
submission that the present applicant is a Government
servant and therefore the interim order be confirmed.

From the reply filed on behalf of the State, it
appears that the Collector, Wardha was required to
constitute a committee of 3 members since various
complaints were brought to his notice that though there
were no order passed by the competent authority
converting the agricultural land into the non

agricultural, on the basis of the bogus and fabricated order, the revenue officers have taken entry in the revenue record and such lands are sold as if the said agricultural land was converted into non agricultural one and has caused substantial financial loss to the State exchequer.

The present applicant is Talathi. According to the learned counsel for the applicant, his job is only to note down the entries in 7/12 extract and Village Extract No.2 on the basis of the revenue record, which is prepared by the revenue officers. He therefore submitted that he has not committed any offence.

Though the applicant has attended the police station, in my view, that is not sufficient to confirm his anticipatory bail in view of the record that is produced by the learned A.P.P. at the time of hearing of the application.

Even according to the applicant, the applicant has prepared 7/12 extract and Village Extract No.2. Both those documents were placed before me by the learned A.P.P. It contains 2 different dates in respect of orders. There is no co-relation in between these two documents. Further, the committee appointed by the Collector has also recorded a finding that bogus orders were passed and those bogus orders are yet to be retrieved. The applicant is Talathi. It is his duty to peruse the original order before taking the necessary entry in the revenue records. In my view, this is not

simple negligence on the part of the applicant in view of the fact that there is no existence of the legal and valid order.s

In that view of the matter, the application is rejected. Interim order granted by this Court stands vacated.

JUDGE

kahale