

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPICATION NO. 895 OF 2011

Ram s/o. Sakharampant Purohit,
Age 56 years, Occu. Retd. Service,
R/o. At Post Bharaswada,
Tq. & Dist. Parbhani.

....Applicant.

Versus

1. The State of Mahaashtra
Through Nanalpeth Police Station,
Parbhani.
2. Gulab s/o. Babulal Pakwanne,
Age 57 years, Occu. Service,
R/o. C/o. Asst. Superintendent Office,
Post Office, Parbhani

....Respondents.

Mr. D.M. Shinde h/f. Mr. N.N. Chitlange, Advocate for applicant.

Mr. R.V. Dasalkar, APP for respondent No. 1/State.

WITH
CRIMINAL APPICATION NO. 896 OF 2011

Jankiram s/o. Manikrao Awachar,
Age 56 years, Occu. Retd. Service,
R/o. At Post Karegon,
Tq. & Dist. Parbhani.

....Applicant.

Versus

1. The State of Mahaashtra
Through Nanalpeth Police Station,
Parbhani.
2. Gulab s/o. Babulal Pakwanne,
Age 57 years, Occu. Service,
R/o. C/o. Asst. Superintendent Office,
Post Office, Parbhani

....Respondents.

Mr. D.M. Shinde h/f. Mr. N.N. Chitlange, Advocate for applicant.

Mr. R.V. Dasalkar, APP for respondent No. 1/State.

WITH
CRIMINAL APPLICATION NO. 1669 OF 2011

Bakuladas s/o. Govindrao Deshpande
Age 61 years, Occu. Suspended
Postman, Parbhani Post Office,
R/o. House No. 323, Shnehnagar,
Parbhani, District Parbhani.

....Applicant.

Versus

1. The State of Mahaashtra
Through In-charge Police Office,
Police Station-Nanalpeth,
Parbhani, District Parbhani
2. Gulab s/o. Babulal Pakwanne,
Age 57 years, Occu. Service,
R/o. C/o. Asst. Superintendent Office,
Post Office, Parbhani

....Respondents.

Mr. P.R. Katneshwarkar, Advocate for applicant.

Mr. R.V. Dasalkar, APP for respondent No. 1/State.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.
DATED : 30/07/2018**

JUDGMENT : [PER T.V. NALAWADE, J.]

1) In all the matters the applicants are allowed to make amendment forthwith to add prayer clause to mention specifically the case filed in C.Rs.

2) All the three proceedings are filed for relief of quashing

of F.I.R. registered against them. In Criminal Application No. 895/2011, relief of quashing of F.I.R. No.12/2004 registered with Nanalpeth Police Station, Parbhani and chargesheet No. 158/2004 filed in that crime (RCC No. 108/2005) is claimed. The case is filed for offences punishable under sections 406, 409, 467, 471, 34 etc. of Indian Penal Code. Criminal Application No. 896/2011 is filed for relief of quashing of F.I.R. No. 11/2004 registered with same police station for similar offences and also proceeding of RCC No. 278/2015 pending in the Court of Chief Judicial Magistrate, Parbhani and Criminal Application No. 1669/2011 is filed for relief of quashing of F.I.R. No. 9/2004 and RCC No. 107/2005 registered in the same police station for same offences. Both the sides are heard.

3) All the three proceedings are filed on the ground that in the past, F.I.R. No. 4/2004 was registered for the same offences and the incidents which are now mentioned in aforesaid three crimes were mentioned in F.I.R. No. 4/2004 and so, new F.I.Rs. for the same incident could not have been registered.

4) The submissions made and the record show that some employees of Tahsil Office had created false record of Government Schemes like Sanjay Gandhi Niradhar Yojna and scheme prepared for the benefit of pregnant women by the Government. They had

created record of applications in fictitious names. They had seen to it that amount was sanctioned in their favour under the scheme and from their office, amount was actually sent by money orders to the persons like Aslam Khan and others and they got consideration from those persons. The name of Aslam Khan is common in all the F.I.Rs. though the other names are different.

5) The allegations made and the record show that it was Government money and it was misappropriated by some persons of Tahsil Office who were implementing the scheme, some outsiders and in that activity present applicants, post men, had helped them by handing over the money to the main accused persons when money orders were sent to fictitious persons. Huge money was misappropriated that way and it is clear that present applicants became part of the larger conspiracy for getting some consideration. As it is a matter of record that the schemes were prepared in fictitious names and the present applicants had given money to the persons named in the money order, though such persons were not in existence and before the employer also they admitted their fault, it cannot be said that false allegations were made against them in F.I.R. No. 4/2004. It appears that subsequently the concerned department decided to give separate F.I.Rs. against separate post men. It was actually unnecessary. The offence of conspiracy was

there and the aforesaid material is sufficient to infer that applicants had become part of that conspiracy. In such cases, it is always desirable that all the material available against the persons, who had played any role in the conspiracy is made available in the same case and the cases of different conspirators are not separated from others. It can be said that out of some misconception separate F.I.Rs. were given and separate cases are also filed.

6) In view of the aforesaid circumstances, this Court holds that in the interest of prosecution, State, the cases need to be clubbed and the papers of investigation are made part of case which can be filed in C.R. No 4/2004. The subsequent F.I.Rs. given against the present applicants can be treated as police statements or supplementary statements. These F.I.Rs., crimes registered need to be quashed and all the cases need to be clubbed in the case filed in C.R. No. 4/2004.

7) In the result, all the three applications are allowed to some extent. The crimes separately registered in aforesaid proceedings are quashed, but that record will remain there and that record including the separate reports can be used as a police statements in the case filed in C.R. No. 4/2004. The papers filed as papers of investigation in these new C.Rs. are to be used in the case

filed in C.R. No. 4/2004 and those chargesheets can be treated as supplementary chargesheets in C.R. No. 4/2004. Only to that extent, the relief is granted and it is made absolute.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

SSC/