

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3331 OF 2016

Pushpa Uttamrao Rojatkar,
Age : 50 Years, Occ. Household,
Councilor, Municipal Corporation,
Aurangabad
R/o. Navjeevan Colony, Hudco,
Aurangabad.

..APPLICANT

Versus

1] Police Inspector,
City Chowk Police Station,
Aurangabad

2] Rama W/o Raju Dehade,
Age : 31 Years, Occ. Social work,
R/o. Divisional Commissioner (Revenue),
Aurangabad Division Aurangabad

..RESPONDENTS

...

Advocate for Applicants : Mr. M. S. Deshmukh
APP for Respondent No.1-State: Mr. P. V. Diggikar
Advocate for respondent No.2 : Mr. S. V. Munde

...

CORAM :T.V. NALAWADE AND
SMT.VIBHA KANKANWADI,JJ.
DATE : 19th DECEMBER, 2018.

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

The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of proceeding of Misc. Criminal Application No. 592 of 2016 which is filed by respondent No.2 in the Court of learned Judicial Magistrate, First Class (Court No.9),

Aurangabad and also for relief of quashing and setting aside the order of investigation made by the learned Judicial Magistrate (F.C) to make police to investigation under Section 156(3) of the Code of Criminal Procedure.

2. Both the sides are heard.

3. In the private complaint filed by respondent No.2, for the offences punishable under Sections 420, 466, 467, 468, 471 read with section 34 of the Indian Penal Code she has contended that present applicant has used false school record for obtaining caste certificate and also for obtaining caste validity certificate. It is contention that when the parents of the present applicant were resident of Jalgaon district some record of Aurangabad was produced and some record of School of Jalgaon was produced but on inquiry it transpired that there was no such School in existence and the record produced before the caste scrutiny committee was fabricated. In the complaint various dates are mentioned on the basis of which the first informant has contended that the record was false. The main document like caste certificate in respect of brother showing his caste as Mahar was also pointed out to this Court by the learned counsel for the first informant.

4. In view of the nature of grievance and allegations, this Court had passed order on 31.08.2018, and direction was given to investigating officer to collect the original record of specific document mentioned in the private complaint. By order dated 03.12.2018, one more specific

direction was given to see the original record which was mentioned for getting caste certificate. To comply this order today the investigating officer brought the relevant register of the School in which the applicant had taken education. This Court has carefully gone through that record. That record is in respect of admission given in the year 1974-76 and even the year 1980. In the original record the caste of the applicant was entered as Chambhar (Scheduled Caste). It appears that accordingly School Leaving Certificates were produced and they were used by the applicant for getting caste certificate and then for the validity certificate.

5. The submissions made show that the first caste validity certificate issued in favour of the applicant who was elected as councillor was challenged in this Court and the matter was remanded (Writ Petition No. 8077 of 2015 decided at this bench on 27.10.2015, which was between Smt. Rama Vs. state of Maharashtra and Others). The submissions made shows that the caste scrutiny committee issued validity certificate in favour of applicant and that decision was again challenge by filing Writ Petition No. 10285 of 2016. On this occasion also respondent first informant had prayed for re-verification of the record. This Court made conditional order and directed the first informant to deposit Rupees 1,00,000/- to show her bonafides within four weeks from 05.10.2016. The submissions made show that this amount was not deposited but the proceeding was withdrawn, by the first informant. Due to all these circumstances, this Court holds that

relief needs to be granted in favour of the present applicant. In the result, following order

ORDER

1. Application is allowed.
2. Relief is granted in terms of prayer clause (A).
3. Rule made absolute in those terms.

**[SMT.VIBHA KANKANWADI]
JUDGE**

**[T.V. NALAWADE]
JUDGE**

YSK/