

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

CRIMINAL APPEAL (APPA) NO.95/2018

Central Bureau of Investigation, Through Police Inspector, Anti Corruption
Bureau, Nagpur and Special Crime Unit – I, New Delhi - 110003

...Versus...

Ravishekhar Bhaskar Londekar

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

Court's or Judge's orders

Mrs. M.R. Chandurkar, Counsel for appellant
Shri Prakash S. Jaiswal, Counsel for respondent

**CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.**

DATE : 15/02/2018

Heard.

The appellant has sought leave to file the appeal against the judgment and order of the Ad hoc District Judge – I and Additional Sessions Judge, Nagpur dated 5/4/2017, allowing the appeal filed by the respondent and setting aside the judgment and order of the Chief Judicial Magistrate, Nagpur dated 25/6/2013 in Regular Criminal Case No.3704/2010, thereby acquitting the respondent of the offences punishable under Sections 467, 468, 471 and 420 of the Penal Code.

All that is sought to be canvassed for seeking the leave to file the appeal is that the respondent had based his caste claim on a fraudulent document. It is sought to be pointed out on the basis of the deposition of P.W.-3 for the State - the Tahsildar that there is an overwriting in the entry pertaining to the respondent in the original register. It is stated that since the

respondent had cheated his employer- Oriental Insurance Company on the basis of his forged caste certificate, the learned Sessions Judge should have dismissed the appeal filed by the respondent.

We are not inclined to grant leave to the appellant to file the appeal against the judgment of acquittal of the respondent. Merely because there was some overwriting in the original register in regard to the entry pertaining to the caste certificate of the respondent, the offences under Sections 467, 468, 420 and 471 of the Penal Code cannot be made out unless the prosecution proves that the respondent had knowingly and fraudulently prepared the caste certificate with an intention to secure the job on a post reserved for the Scheduled Tribes. According to the learned Ad hoc District Judge – I - Additional Sessions Judge, Nagpur the prosecution had not tendered any evidence, much less any cogent evidence for proving that the respondent had knowingly and fraudulently prepared the caste certificate. The learned Counsel for the appellant is not able to point out any evidence in this regard.

Since no case is made out for granting leave to file appeal, we dismiss the criminal appeal with no order as to costs.

JUDGE

JUDGE

Wadkar