

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 135 of 2019

Ishwar Miri S/o Churawandas Miri Aged About 46 Years R/o Karhi (Mungeli),
Tahsil And District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

1. Hemabai Mahilang W/o Ashok Kumar Mahilang Aged About 44 Years R/o
Village- Karhi (Mungeli), Tahsil And District- Mungeli, Chhattisgarh., District :
Mungeli, Chhattisgarh
2. State Of Chhattisgarh Through Police Station- City Kotwali, Mungeli, District-
Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondents

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Shri Vikash Shrivastava, Panel Lawyer

**D.B. : Hon'ble Mr. Justice Manindra Mohan Shrivastava &
Hon'ble Mrs. Justice Rajani Dubey**

Order On Board

26/03/2019

Heard on admission.

1. Learned counsel for the applicant would argue that even though the records relating to date of birth of respondent No.1/accused were found to be suffering from omission/correction and that respondent No.1, later on secured employment, Courts below have acquitted the accused only on the ground that tampering could not be proved to have been done by the respondent, ignoring that she was the direct beneficiary and, therefore, it was clear that it was done on her instance.
2. We have gone through the judgment of learned Courts below as also records of case. We find that the learned Courts below have acquitted respondent No.1 after examining material on record and finding that prosecution has failed to prove that records were interpolated. This finding has been recorded after taking into consideration the oral and documentary evidence particularly taking into consideration the

circumstances that there is nothing to show that such alleged interpolation would have enured to respondent-accused, the benefit in the matter of seeking employment and but for such interpolation respondent could not get appointment.

3.We also find that certain corrections made in the records have been alleged to be interpolated which is not supported from any evidence. The respondent was not custodian of the records. Mere correction and striking out one date without anything more, may not necessarily lead to interpolation in all cases and it would depend upon the evidence led before the Court that firstly there was an interpolation and secondly it was done with intention to cheat.

4.As the Courts below have examined the aforesaid aspect of the matter and granted benefit of doubt to acquit the respondent/accused, we do not find present to be a fit case for admission.

5.The Revision is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge