

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2652 of 2018**

- Mohd. Sharifuddin S/o Mohd. Shamshuddin, Aged About 58 Years Occupation-Service (District Sport And Welfare Inspector), R/o Village Nawagarh, Police Station and Tahsil Ambikapur, District- Surguja, Chhattisgarh.

---- Petitioner**Versus**

1. S.R. Karsh, Assistant Public Instructions Union Directorate Chhattisgarh, Raipur, Chhattisgarh.
2. Anand Das Gupta, District Education Officer, Office of District-Education, Janjgir, District- Janjgir-Champa, R/o Chandani Chowk, Ring Road, Ambikapur, District- Surguja, Chhattisgarh.
3. Mewa Giri, Retired District Education Officer, Aged About 62 Years, R/o Village Namanakala (Behind Kabristan), Ambikapur, District- Surguja, Chhattisgarh.

---- Respondents

For Petitioner: : Shri D.N. Prajapati, Advocate

For State/ Respondents : Smt. Subha Shrivastava, Panel Lawyer

HON'BLE SHRI JUSTICE RAM PRASANNA SHARMA**JUDGMENT ON BOARD****14/03/2019**

1. Heard on application for leave to appeal under Section 378(4) of the Code of Criminal Procedure, 1973.
2. This petition is directed against the judgment dated 24.11.2018 passed by Judicial Magistrate First Class, Ambikapur, C.G. in Criminal Complaint Case No. 484 of 2012 filed under Section 485/34, 468/34

and 471/34 of IPC, 1860 wherein the said Court acquitted all the 3 respondents for the said charges.

3. A competition was organized at Gandhi Stadium, Ambikapur, during period from 20.08.2001 to 22.08.2001 under 'Subrato Mukherjee Football Cup' at State Level Sports Competition. According to rules of game, the maximum age of participants was prescribed as 16 years. In the said competitive examination candidates namely James Paulus Ekka, Sandeep Lakda, Mikhail Tirki, Arsenus Minj and Albenus Ekka played whose age was above 16 years and they have been authorized for entry by all the 3 respondents. After evaluating the entire evidence the trial Court opined that charges leveled against any of the respondents is not established that they have participated in preparation of false documents and using it to be denied.

4. Learned counsel for the appellant submits that charges against the respondents is established before the trial Court but trial Court has not evaluated the evidence in its true perspective.

5. To substantiate the charge the appellant examined Mohd. Sharifuddin (PW-1), Rakesh Kumar Jain (PW-2), Shyam Kumar Verma (PW-3) and Heeralal Gupta (PW-4). All are functioning in School Education Department. No witness examined before the trial Court deposed that any of the respondent has made false entry in the birth certificate of any of the players who was allowed to participate in the said game. Direct evidence of preparation of false documents regarding date of birth against any of the respondent is totally lacking.

No expert was examined before the trial Court to say that any manipulation is done by any of the respondents.

6. From the record it is also not clear as to what was the process before the entry in the said competition. No record regarding entry in the said examination was submitted before the trial Court. The process of participation in the said competitive examination itself is not clear from the record of the trial Court. It is also not clear that what was the role of the any of the respondents in entry of any of the candidates in the said competition. The total case of the appellant is based on bald statement which is not sufficient even to establish basic ingredients of the offence. When there is nothing on record to say that any of the person who was not authorized for participating in the competition was entered with the aid of any of the respondents, therefore, basic evidence is not adduced in the present case that is why the trial Court opined that any of the charges is not established. After reassessing the entire evidence on record, this Court has no reason to record a contrary finding. This is not a case where respondents should be called for full consideration of the matter.

7. Accordingly, leave to appeal is rejected. Consequently, the CrMP stands dismissed at the motion stage itself.

Sd/-

(Ram Prasanna Sharma)
JUDGE