

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO.251 OF 2005

Ramnarayan s/o. Rameshwar Daga,
Age 44 Years, Occu. Stamp Vendor,
R/o. Jijamata Road, Parbhani,
Tq. & Dist. Parbhani. **..APPLICANT**

VERSUS

1] Ku. Suman d/o. Sakharam Ghodke,
Age: 35 years, Occu. Lady Homeguard,
R/o. Sakhlaplot, Parbhani.

Added

2] The State of Maharashtra **..RESPONDENT**

...

Mr.S.P.Sonpawale, Additional Public
Prosecutor for respondent no.2-State

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CORAM: V.M.DESHPANDE, J.
DATE : 28.03.2019

ORAL JUDGMENT:

1] By the present Revision Application,
the applicant - first informant is
challenging the judgment and order of
acquittal passed by the learned Judicial
Magistrate First Class, Court No.2, Parbhani

in R.C.C.No. 454 of 2001, dated 04.05.2005, acquitting respondent no.1 for the offences punishable under Sections 420, 468 and 471 of the Indian Penal Code.

2] When the Revision Application was called out for its final hearing today, neither the applicant nor his counsel were present. Similarly, learned counsel for respondent no.1 also chose to remain absent.

3] I heard Shri S.P.Sonpawale, learned Additional Public Prosecutor for the respondent – State and with his able assistance, perused the record and proceedings and the impugned judgment.

4] As per the prosecution case, the present applicant – first informant is a Stamp Vendor at Tahsil office, Parbhani. He got self acquainted with respondent no.1 –

accused Suman Sakharam Ghodke, since she was also Stamp Vendor – Bond Writer. Due to their acquaintance, the applicant was also introduced with one Rambhau Kale. As per the First Information Report, in the year 1998 from Rambhau Kale he got information that accused-Suman submitted bogus transfer certificate in the Home Guard and got employment in the year 1992. Therefore, he filed First Information Report in the year 2001.

5] The Court below, in my view, has rightly considered the aspect of delay in the matter. The delay has not at all explained by the applicant or by the prosecution. Further Rambhau Kale was also not examined. The prosecution has also not taken pains to produce on record the original transfer certificate alleged to have been fabricated by respondent no.1-Suman. The prosecution has

also not examined the Headmaster, who issued the said certificate. After appreciating the aforesaid nature of the evidence available on record, the Court below acquitted respondent no.1-Suman. The State did not file the Appeal against the acquittal, and in my view, correctly. It appears that the First Information Report is an outcome of some grudge nursed by the applicant against respondent no.1. The delay is also not explained by the present applicant. The original transfer certificate is also not brought on record. Consequently, fault cannot be attributed to the Court below in acquitting respondent no.1-Suman. Resultantly, the Criminal Revision Application fails and the same is dismissed. Rule stands discharged.

[V.M.DESHPANDE]
JUDGE