

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 64 OF 2019

Shushila Ramesh Yadav

.. Applicant

Versus

State of Maharashtra

.. Respondent

-
- Mr. Kuldeep S. Patil for the Applicant
 - Mr. K.V. Saste, APP for the State
-

CORAM : B.P. DHARMADHIKARI &
N.R. BORKAR, JJ.

DATE : JANUARY 7, 2020.

P.C.:

1. Rule. Rule is made returnable forthwith and the matter is heard finally by consent of the parties.

2. Submission of learned Advocate Mr. Patil is production of photocopies of registration certificate and tax receipt of subject vehicle by driver of the applicant is not recorded either in the inspection report contemporaneously prepared on 1.12.2018 or in separate panchnama. The driver was instructed to bring original papers and said papers were submitted by the applicant. Thereafter, vehicle has been

released. Hence, registration of FIR under Sections 417, 465, 466, 468, 471 and 34 of IPC against the said driver and present applicant is unsustainable.

3. Learned APP is relying upon the FIR dated 5.1.2019 to show that photocopies produced by the driver were verified with R.T.O. and found forged, therefore, the FIR has been rightly registered.

4. After hearing respective counsel, we notice that on 1.12.2018, no panchnama has been drawn in relation to the documents allegedly produced by the driver of the applicant. Admittedly, on that day, the applicant was not present at the spot and no documents were produced by the applicant. Production of original documents by the applicant later on is also not disputed.

5. In this situation, we find that the inspection report prepared on 1.12.2018 expressly directs the driver to produce original documents. It does not mention that photocopies were produced.

6. The fact that the photocopies which are alleged to be tampered were produced by the driver of the applicant on 1.12.2018, is therefore not supported by any record with the Investigating Officer.

7. As such, we find no case made out for proceeding against the applicant.

8. Accordingly, we make rule absolute in terms of prayer clause (a). Criminal Application is allowed and accordingly disposed of.

[N.R. BORKAR, J.]

[B.P. DHARMADHIKARI, J.]

Ravindra
M.
Amberkar

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