

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.311 OF 2021

Pradeep Bhaurao Bhangare ...Applicant

vs.

The State of Maharashtra and Anr. ...Respondents

Ms. Vrushali Maindad i/b.Mr. Sudarshan Deshmukh, for the Applicant.

Mr. J.P. Yagnik, APP for the Respondent-State.

CORAM : **S. S. SHINDE &
N. J. JAMADAR, JJ.**

DATE : **SEPTEMBER 27, 2021**

P.C.:

. This application is preferred to quash and set aside the proceeding arising out of F.I.R. No. 194 of 2019 registered with Loni-Kalbhor police station for the offences punishable under sections 417, 418, 420, 436, 468, 471 and 201 of the Indian Penal Code, 1860.

2. Heard Ms. Vrushali Maindad, learned counsel for the applicant.

3. An endeavour was made by Ms. Vrushali to draw home the point that the applicant had not committed any forgery of the record and the applicant came to be subsequently arraigned as an

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accused with the allegations that the applicant had torn off the relevant part of the record and thereby caused disappearance of the evidence. It was submitted that the colleague of the applicant, namely Smt. Badadare, has made inconsistent statements and there is no material to indicate that the alleged disappearance of the evidence was caused by the applicant. Ms. Vrushali took us through the statement of the said witness and the remand report dated 22nd December, 2020.

4. Indisputably, the relevant file was in the custody of the applicant from 22nd May, 2019 to 18th July, 2019. The applicant had obtained the custody of the said file as an application under the Right to Information Act, 2005 was received and he was required to furnish copies of the documents. There are statements to the effect that the document which was allegedly torn off formed part of the record before the file came to be entrusted to the applicant. In our view, once it is conceded that the applicant was in the custody of the record the aspect as to whether the said document was torn off while the file was in the custody of the applicant, is a matter in the realm of disputed question of fact. It would be thus be a matter for trial.

5. Resultantly, in exercise of extraordinary and inherent jurisdiction, this Court would not be justified in delving into the disputed questions of facts. Thus, we are not inclined to entertain the application.

6. The application stands rejected.

7. However, the applicant is at liberty to make an appropriate application before the trial Court for expeditious conclusion of the trial as the said proceeding may have repercussions on the service prospects of the applicant.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)