

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.323 OF 2020

(Nilkanthrao Kashirao Deshmukh Vs. State of Maharashtra thr. PSP PS City Kotwali,
Akola, Tq. & Dist. Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Zeeshan Z. Haq, Advocate for Applicant.

Mr. Tajwar Khan, APP for Respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 12th JANUARY, 2021.

The petitioner is facing prosecution for offences punishable under sections 420, 468 and 471 of the Indian Penal Code on the allegation that he forged *challan* and secured mutation order, as regards an agricultural field.

2. The petitioner sought discharge. The learned Judicial Magistrate First Class, Akola refused to oblige. The petitioner then approached the Sessions Judge in revision and met a similar fate. Mr. Haq would argue that the charge is groundless and that there is no material on record to warrant a trial.

3. Lest the petitioner is prejudiced in the trial, I would refrain from making any decisive observation on the material which may be pressed in service against the petitioner. However, since reasons will have to be briefly

disclosed, I must note that the prosecution witnesses are stating in unison that the *challan* on the basis of which the petitioner obtained the mutation order in his favour, is forged. The payment, the number of *challan* and the relevant entry is not discernible from the record of the revenue office. It is well settled that even if there is a strong suspicion, a charge can be framed. In the facts of the case, the material goes beyond “strong suspicion”.

4. No case is made out to interfere with the concurrent views of the learned Magistrate and the Revisional Court.

5. The petition is dismissed.

JUDGE