

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

CRIMINAL APPLICATION (APL) NO.850 OF 2017

Smt. Rambhabai Mangilal Sisodiya (dead)
through legal heir.

Suganchand Ratanlal Chopada (dead)
through legal heir.

- 1-A Sunil Suganchand Chopada
Aged 33 years, Occ: Agriculturist
(Power of Attorney Holder)
- 1-B Smt. Hirabai Suganchand Chopada
Aged 60 years, Occ: Housewife.
- 1-C Swapnil Suganchand Chopada,
Aged 30 years, OccU: Agriculturist.

Applicant no. 1-A, 1-B and 1-C are
R/o Wedshi, Tah. Ralegaon,
Dist. Yavatmal.

- 1-D Sau. Kalpana Dharmendra Runwal
Aged 40 years, Occ: Housewife,
R/o Jalna, Aditya Complex, R.P. Road,
Tah. Dist. Jalna (Maharashtra).
- 1-E Sau. Archana Dhirajkumar Redasni
Aged 38 years, Occ: Housewife,
R/o Tahsil Road, Muktai Nagar,
Tah. Muktai Nagar, Dist. Jalgaon.
- 1-F Sau. Sapna Pankajkumar Sanchite
Aged 32 years, Occ: Housewife,
R/o Kapil Niwas, Rop Nagar/Sorali Nagar
Ambad Choufuli, Old Jalna,
Tah. Dist. Jalna. **APPLICANTS**

...VERSUS...

1. Shri N.M. Pawar
Aged about 59 years,
Occ: Service, Talathi,
R/o Near House of Naresh Giri,
Bade Complex, Akhada Ward,
Pandharkawada, Tq. Kelapur,
Dist. Yavatmal – 445302.
2. Shri H.G. Meshram
Aged: Adult, Retired Tahsildar,
North Ambazari Road, Samta Colony,
House No.1 B/55, Nagpur.
3. Punamchand Mangilal Sisodiya,
Aged about 54 years,
Occupation: Agriculture,
R/o In front of Nagina Masajid,
Talav Road, Wani, Tq. Wani,
Dist. Yavatmal. **NON-APPLICANTS**

Mr. Amol Mardikar, Advocate for Applicants.
Mr. A. H. Jamal, Advocate for Non-Applicants 1 to 3.

CORAM: **ROHIT B. DEO, J.**
DATE: **21st OCTOBER, 2021.**

ORAL JUDGMENT:

The legal heirs of the original complainant in Regular Criminal Complaint Case 63/2008, who are permitted to continue the prosecution, are assailing the order dated 06.12.2012 rendered by the learned Magistrate whereby the accused – non-applicants herein are discharged. The applicants, who shall be collectively referred to as the complainant, approached the Revisional Court in

Criminal Revision 19/2013, which is dismissed by the learned Additional Sessions Judge, Yavatmal vide judgment dated 19.07.2017.

2. In brief, the grievance of the complainant was that mutation entry 343 which was taken by accused 1 N. M. Pawar, the then Talathi, and confirmed by accused 2 H. G. Meshram, the then Naib Tahsildar, on 21.01.2002 and 05.02.2002 respectively, is false inasmuch as the name of accused 3 Punamchand Sisodiya is wrongly shown in the column "other rights".

3. Both the courts below have found from the recitals in the complaint, the documentary and oral evidence adduced at the stage of framing charge, that no offence is made out, even *prima facie*, under Section 466 of the Indian Penal Code and that framing of charge is not warranted.

4. I have heard the learned counsel for the complainant and the accused, and the reasons recorded by the courts below are scrutinized.

5. In my considered view, the courts below did not

commit any error in recording the conclusion that *prima facie* there is no material to infer or presume the commission of offence punishable under Section 466 of the IPC.

6. A false statement in a document is not necessarily forgery. Accused 3 is the adopted son of the complainant. While it may be debated whether his name could have been included in the column “other rights”, as a fact the Collector has set aside the said mutation entry. Even if it is assumed, that the erroneous entry can be branded as false entry, there is no forgery involved.

7. Nothing is demonstrated as would impel me to exercise jurisdiction under Section 482 of the Code of Criminal Procedure, 1973.

8. The application is dismissed.

JUDGE