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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5745 OF 2019**

Sambhaji Subhash Shirsat and Others Petitioners.

V/s

The State of Maharashtra and Others Respondents.

Mr. Laxman S. Deshmukh for the Petitioners.

Mr. K.L. Vyas, Special Public Prosecutor with Mr. Konde-Deshmukh,
APP for the Respondent-State.

**CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.**

DATE: FEBRUARY 20, 2023

P.C.:-

1] Petitioners are seeking quashing of FIR on the ground that they are falsely implicated in the offence in question. Pursuant to the complaint lodged, Crime No.0403 of 2019 punishable under Sections 120-B, 109, 186, 201, 409, 420, 465, 467, 468, 471, 34 of the IPC and under Sections 13(1)(a)(b) and 13(2) of the prevention of Corruption Act came to be registered.

2] Contentions of Counsel for the Petitioners are, after having declared surplus in one of the Schools viz Saraswati Higher Secondary School, Pune, services of Petitioner No.1 were absorbed on 29/11/2014 in Shiv Chatrapati Vidyamandir, Pune where he was promoted as Headmaster. According to him, allegation of pressuring

witnesses to issue backdated appointment orders, getting issued backdated approval orders based on proposal for approval cannot be attributed to Petitioner No.1, particularly when Petitioner No.1 is neither an office bearer of such Institution nor has any connection with the office of the Education Officer or Deputy Director of Education to make them issue such orders. He would urge that appointment of Petitioner No.1 and 2 were by the Institution and the appointment orders and the orders declaring them to be surplus were issued by the competent authority viz. Headmistress of the said Institution. As such, he would urge that necessary ingredients of the offence alleged cannot be inferred.

3] Learned Special Public Prosecution Mr. Vyas would oppose the prayer based on investigation.

4] Petitioner No1. appears to be an office bearer of a political party and after having taken undue advantage of such position, pressurized the Management not only for issuance of backdated appointment orders but also prevailed upon them to submit approval proposals. Such approval proposals are got sanctioned by Petitioner No.1 in favour of Petitioner Nos. 2 and 3 and as such very ingredients of Section 120-B against the Petitioners and also offence punishable under Sections 420, 409 of the IPC can be inferred. Apart from above, forgery of appointment orders apparently can be inferred from testimony of employees of the School in which Petitioner Nos. 2 and 3 were shown to have been appointed and the services were approved.

5] We have perused the investigation papers. It is quite apparent from the investigation that Petitioner No.1 appears to have signed forged appointment orders in spite of the fact that he was no way connected with such Institution and such orders were found to be the basis for releasing salary in favour of Petitioner Nos. 2 and 3.

6] Investigation prima facie reflects that there is sufficient material to connect involvement of the Petitioners in the offence in question. That being so, no case for interference is made out. Petition as such fails and same stands dismissed.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]