



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CRIMINAL APPLICATION NO. 1133 OF 2023

SUVARNA W/O. UTTARESHWAR MOHALKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Narwade Narayan B.

APP for Respondents/State : Mr. G.A. Kulkarni

...

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 05.04.2024

PER COURT :

Heard.

2. The petitioners are seeking quashment of Crime No. 398/2012 registered with Kotwali police station, District Ahmednagar, for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code and the criminal case bearing Regular Criminal Case No. 669/2013 pending before the Chief Judicial Magistrate, Ahmednagar.

3. The sum and substance of the allegations qua the applicants are to the effect that in order to derive the benefit of the policy regarding transfer qua the persons with disabilities, the applicants had submitted the applications together with the certificates purportedly issued by the Medical College and Sassoon General Hospital, Pune, and the District Hospital Ahmednagar.

4. When during the course of the investigation the copies of the certificates were forwarded to both these establishments, it was expressly reported by both these establishments vide communications dated

26.05.2012 and 25.05.2012 that these certificates were bogus.

4. The learned advocate for the applicants would endeavour to demonstrate as to how the applicants were not involved in generating these certificates. They had applied to the respective hospitals and were issued with these certificates which have turned out to be bogus. Independently, both these applicants are physically challenged even otherwise and were entitled to derive the benefit. They have not resorted to any cheating, forgery or have used the forged documents.

5. Since it is a matter of quashment under Section 482 of the Code of Criminal Procedure, the powers of this Court are circumscribed by the well settled principles and this Court cannot undertake a mini trial.

6. Bearing in mind the aforementioned facts and circumstances, when the disability certificates tendered by the applicants to the respective offices have turned out to be bogus and forged one, as is officially replied by the establishments, in our considered view, this is not a fit case to terminate the trial at the threshold.

7. If at all the applicants are intending to adopt some defence, even that would need evidence to be gone into. That cannot happen in this proceeding. The aforementioned facts and circumstances clearly make out the ingredients for constituting the offences punishable under Sections 420, 465, 468, 471 of the Indian Penal Code.

8. The Application is rejected.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-