



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 WRIT PETITION NO. 4669 OF 2024

**SHRI KHILCHAND DAGADU ROTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr Y. B. Bolkar, Advocate for Petitioner;
Mr B. M. Dhanure, A.G.P. for Respondent Nos.1 to 3
Mr J. M. Wagh, Advocate for Respondent Nos.4 to 6

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 18th June, 2024

PER COURT:

1. On 06/05/2024, we had passed the following order :-

“1. We have briefly heard the learned Advocate for the
Petitioner.

2. *The Petitioner needs to convince us that, on an
Application filed by him, the order could be solicited from
the Chief Executive Officer, Zilla Parishad, Jalgaon, to
consider the Application under Section 340 of the Code of*

(2)

Criminal Procedure, read with Section 195 of the Indian Penal Code, for initiating action against a public servant.

3. *The learned Advocate for the Petitioner seeks time.*

4. *List this Petition on 18.06.2024 in the 'fresh admissions' category.*

5. *All contentions including the objection as regards the maintainability of the Writ Petition are kept open."*

2. The learned Advocate for the Petitioner relies upon **N. Natarajan Vs. B. K. Subba Rao, (2003) 2 Supreme Court Cases 76**. Having read paragraph No.8 of the said judgment, it is obvious that the said judgment is completely on different facts than the facts emerging from the case in hand.

3. The learned A.G.P. has placed reliance upon a recent view taken by the Hon'ble Supreme Court, dated 12/04/2023 in Criminal Appeal No.1931/2011 (Ashok Gulabrao Bondre Vs. Vilas Madhukarrao Deshmukh and others). The observations of the Hon'ble Supreme Court in the said judgment in paragraph

(3)

Nos.17, 18 and 19, would clearly indicate that the view taken in the **Sachida Nand Singh and another Vs. State of Bihar and another, (1998) 2 SCC 493**, is the correct view. It is further observed that, a document must suffer forgery after it is produced in the Court in a proceedings. The grievance of the Petitioner is that the document was tampered with, before it was produced before the Chief Executive Officer, Zilla Parishad.

4. In view of the above, we do not find that this Petition can be entertained. The **Writ Petition is, therefore, dismissed.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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