

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4752 OF 2023
IN
CRIMINAL APPLICATION NO.1125 OF 2016
WITH
CRIMINAL APPLICATION NO.1125 OF 2016**

Ramesh Revansiddhappa Patil and Anr. ... Petitioners
V/s.
State of Maharashtra ... Respondent

Mr. Zubi Ansari i/b Ritesh Thobde for the Petitioners.
Ms. D. S. Krishna Iyer APP for the Respondent-State.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 25th FEBRUARY, 2025

P.C:-

INTERIM APPLICATION NO.4752 OF 2023

1. Interim Application seeks restoration of Criminal Application dismissed for non prosecution on 7th October 2023.

2. Heard learned Counsel for the Applicants and perused the Application.

On 5th February 2024, 45 days delay in preferring Application for restoration, was condoned.

3. The Application sets out reasons as to why hearing of the Application could not be attended as it was admitted and being satisfied with the bonafides of the reasons cited which is supported by an Affidavit filed by

Applicant, Criminal Application No.1125 of 2016, is restored to file.

CRIMINAL APPLICATION NO.1125 OF 2016

1. Heard learned Counsel for the Applicant.
2. Applicant has raised a challenge to the registration of Crime No.226 of 2013 with Sadar Bazar police station by invoking Sections 420, 468, 471 of the Indian Penal Code and Section 11 and also Section 11(1)(a) and (b) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes, Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification) Caste Certificate Act, 2000 (for short "Act of 2000") and also the charge-sheet filed vide R.C.C. No.1143 of 2014, on completion of the investigation.
3. On hearing learned Counsel for the Applicant and learned APP for the State, we have also perused the final report filed under Section 173 of Code of Criminal Procedure.

The subject offence is registered against Shri Ramesh Patil and Prakash Patil, two brothers in the background that they are staking claims of belonging to caste 'Teli' (OBC) pursuant to which a complaint came to be filed before the committee by one Jaffer Mulla. The Scrutiny Committee, Solapur examined the claim and on finding that certificate has been fraudulently obtained by producing false documents, it invalidated the

certificates issued on 2nd June 2008 and 2nd June 2008, issued in favour of the Applicants and confiscated them. In the order passed by the committee on 11th July 2013, a direction is also issued to initiate appropriate action under Section 11(1)(a) and (b) of the Act against the Applicants.

4. The subject FIR is the consequence of the said direction issued by the committee, upon invalidating the caste certificate of the accused persons and since it was noted that they obtained certificates by playing fraud and fabricating certain documents, an offence is registered, by invoking Sections 420, 468, 471 of the Indian Penal Code and also under Sections 11(1)(a) and (b) of the Act of 2000.

5. By an order dated 24th January 2007, while issuing Rule, the Division Bench passed the following order :

“5. There will be interim relief of the proceedings of R.C.C.No.1143 of 2014 pending before the learned Judicial Magistrate, First Class, Solapur. Notwithstanding the pendency of the said proceedings and grant of interim relief, it will be open for the Caste Scrutiny Committee or any Officer duly authorised by it to file a complaint under Sub-Section (2) of Section 11 of the said Act. While filing a complaint, the Caste Scrutiny Committee or any Officer duly authorised by it can always rely upon the material filed with the charge-sheet.”

6. We are unaware whether any such complaint has been filed by authorised officer under sub-Section (2) of Section (11) but if it is not so done, we expect the officer to file such complaint under Section 11(1)(a) and (b) of the Act of 2000.

Since, we find no merit in the application seeking quashing of FIR, same is dismissed. No order as to costs.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)