

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 221 OF 2024

Nitin S/o. Shahaji Patil

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Priyal G. Sarda:-	Advocate for Applicant.
Mr.Ashok S. Gawai:-	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATED : 13th JUNE 2024

P. C. :

1. Heard learned Advocate Shri.Sarda for the Applicant-Accused and learned APP Shri.Gawai.
2. The Applicant is convicted by the Court of JMFC – Pune as per the judgment dated 6th April 2017. The offence proved is under section 420 and 467 of IPC. The allegation is, the Applicant while applying for the post of Junior Bus Conductor, he has submitted a mark-sheet containing higher marks. The S.T. board believes on it and issued him

an appointment letter. In due course the mark-sheet was sent for verification. It was found that Accused has shown excessive marks in that mark-sheet.

3. The marks shown are as follows:-

- (a) The marks shown in the mark-sheet produced by the Accused (Exhibit-29) was **592** out of 750).
- (b) Whereas, in Exhibit-30 (is mark-sheet verified by the board), it says **428** marks out of 750.

4. The Appellate Court held “the mark-sheet at Exhibit-30 is not proved by examining the necessary witness from the board”. The relevant observations find place in Para Nos.9,18,19,20,24 and 25.

Hence, the matter is remanded with following directions:-

- (a) To give an opportunity to the prosecution to examine witness to prove Exhibit-30.
- (b) No need to examine the witnesses which were already examined.

5. Mr.Sarda made following submissions:-

- (a) The matter is pending since 2008 and there was sufficient opportunity to the prosecution to examine the necessary witnesses.
- (b) The lacuna cannot be filled up by remanding the matter.

He wants to place reliance on one judgment.

6. The Applicant was asked to attend the trial Court. If the witness is examined, the purpose of filing this Revision will be frustrated.

7. Stand over to **21st June 2024 for further hearing**. To be listed **“High on Board”**.

[S. M. MODAK, J.]