



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

CRIMINAL APPEAL NO. 332 OF 2006

The State of Maharashtra
Through Police Station Officer,
Police Station Mehunbare,
District Jalgaon.

....Appellant

Versus

Ranjanabai Vinayak Patil
Age : 34 years, Occu.: Nil,
Resident of Pilkhod,
Tq.Chalisgaon, District Jalgaon.

.....Respondent

.....

Advocate for Appellant : Ms.PV. Diggikar
Advocate for Respondents : Mr. Paresh B.Patil (Borse)

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 01 DECEMBER, 2025

PRONOUNCED ON : 03 DECEMBER, 2025

JUDGMENT :-

1. In this State appeal, Judgment and order dated 25-07-2005 passed by learned Judicial Magistrate First Class (JMFC), Chalisgaon in RCC No.15 of 2001, acquitting respondent from charges under Sections 468, 471 and 420 of the Indian Penal Code (IPC) is under challenge.

FACTS IN NUTSHELL

2. Report exh.21 was lodged by PW1 Rahul Narayan Choudhari, with Mehunbare Police Station, Tq.Chalisgaon, alleging that informant was working as Block Education Officer at Panchayat Samiti, Chalisgaon, That, on 21-11-200, he received communication from Education Officer, Primary, Zilla Parishad, Jalgaon conveying that one Ranjana Vinayak Patil had tendered bogus mark-sheet of D.Ed. for securing employment and thereby this witness was asked to file report with Police Station. Therefore, said mark-sheet and certificate were sent to Director, Examination Board, Pune, who further informed that said documents were bogus. Therefore, he approached Mehunbare Police Station and filed report exh.21 and tendered all documents received by him, which are collectively at exh.22. Consequently, for cheating Government, above crime was registered on the basis of which, FIR was registered for offence under Sections 468, 471 and 420 of the IPC and on completion of investigation, said lady was chargesheeted and tried vide RCC no.15 of 2001.

In trial, prosecution adduced evidence of in all four witnesses including the Investigating Officer. The oral and documentary evidence was appreciated by learned JMFC, Chalisgaon, who

conducted trial and on analyzing the evidence, reached to a finding that prosecution failed to bring home the chargers and so vide judgment and order dated 25-07-2005 acquitted the accused.

SUM AND SUBSTANCE OF EVIDENCE IN TRIAL COURT

3. **PW1** Rahul Narayan Choudhari, Block Education Officer, informant testified at exh.20 narrating all the contents of complaint and about he being authorized to file complaint on behalf of Education Department and he tendering documents Articles A to G.

While under **cross-examination**, he admitted that accused had joined service as per the order of Chief Executive Officer, Zilla Parsihad, Jalgaon. He denied that accused lady filed documents at the time of joining service. He is unable to state whether xerox or original were filed. He admitted that he did not examine documents filed by the accused while lodging report.

4. **PW2** Muralidhar Baliram Pawar, Education Officer, in his evidence at exh.29, stated that Maharashtra State Education Board had informed him that accused had filed bogus D.Ed. certificate and mark-sheet. That, communication is at exh.30 and mark-sheet and certificate are at exh.31 and 32 respectively. He further stated that

there were orders to their office to dismiss accused from service and also file complaint to Police Station.

While under **cross-examination**, he admitted that exh.31, 32 *prima facie* appear to be original. He admitted that when documents were tendered, at that time, no enquiry was conducted about its truthfulness. He admitted that only because Maharashtra State Examination Board informed them, they learnt documents to be bogus.

5. **PW3** Bharatsing Ukha Thoke, who is examined at exh.37, deposed that he worked as Block Education Officer and he maintains record of Service Books of teachers. He claims that appointment of accused was in the primary school and he had sent her for medication examination, took necessary entries in service book after verifying original certificates. He stated that all the entries in service book of accused are entered by him.

While under **cross-examination**, he admitted that exh.32 was prepared by different agency and that all entries in exh.42 are correct. He also admitted that after verifying the entries, he had signed over the same.

6. **PW4** Ramesh Vishnu Moghe (ASI) is the Investigating Officer. In his examination-in-chief, he stated about steps taken by him during investigation and while under cross-examination, he admitted that exh.31 and 32 are printed documents whereas exh.30 is prepared on computer. He answered that during investigation, he did not enquire about the printing press or computer where above documents were printed. He admitted that he did not make enquiry with others excepts Education Officer, Panchayat Samiti, B.D.O., Chalisgoan. He also denied making enquiry with Institutions where accused lady allegedly completed education nor he made enquiry with the authority, who declared the documents to be bogus i.e. officials of Maharashtra Examination Board.

7. Pointing to above evidence, learned APP would submit that bogus documents were used for gaining employment, but its verification and scrutiny revealed that said documents were bogus. However, from the evidence of above witnesses, it is clear that the authorities through whom report was received that documents are bogus i.e. Maharashtra State Education Board, is not enquired with nor its any official, who allegedly drew conclusion was examined as a witness. On the contrary, prosecution's own witness admitted that

documents were original and based on same, entries are taken in the service book.

8. The Investigating Officer has apparently not carried out thorough investigation to unearth as to who infact manufactured the bogus documents and by what mode. PW2 Murlidhar Baliram Pawar (Education Officer) and PW3 Bharatsing Ukha Thoke (Block Education Officer) admit that documents were verified at the time of giving employment, but nothing was detected at that time. Resultantly, with such quality of evidence, when essential ingredients of offence under Sections 468, 471 and 420 are not made out, no fault cant be found in the findings of learned trial Court that prosecution has failed to establish its case beyond reasonable doubt.

9. Consequently, there being no merits in the appeal, the same is required to be dismissed. Hence, following order :

ORDER

Criminal Appeal stands dismissed.

(ABHAY S. WAGHWASE)
JUDGE