



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

**CRIMINAL APPLICATION NO. 2255 OF 2025
WITH CRIMINAL APPLICATION NO. 1644 OF 2025
IN CRIMINAL REVISION APPLICATION NO. 163 OF 2025**

Madhav Sangram Rajkundle (Rajkundal) ..APPLICANT
VERSUS
State of Maharashtra ..RESPONDENT

....
Mr. N.G. Kale, Advocate for the applicant
Ms A.S. Deshmukh, A.P.P. for the respondent - State
....

**CORAM : ABHAY J. MANTRI, J.
DATE : 24th SEPTEMBER, 2025**

PER COURT :

1. Criminal Application No. 2255 of 2025 is filed by the applicant/accused for grant of stay to the judgment and order of conviction dated 05th May, 2025 in Criminal Appeal No. 51 of 2018 passed by the Additional Sessions Judge, Biloli, thereby confirming the judgment and order dated 30th October, 2018 in R.C.C. No. 13 of 2009 passed by learned Judicial Magistrate First Class, Dharmabad, during the pendency and final disposal of the revision application.

2. Heard learned counsel for the applicant and A.P.P. for the respondent – State. Perused impugned judgments and orders, the documents on record, and the decisions relied on by learned counsel for the applicant.

3. During the argument, learned counsel for the applicant submitted that on 31st August, 2025, the Collector, Nanded, had issued a notice

informing him that the trial Court had convicted him in R.C.C. No. 13 of 2019. The said order was confirmed by learned Additional Sessions Judge in Criminal Appeal No. 51 of 2018 and imposed the sentence on him, and therefore, asked him to explain as to why he should not be terminated pursuant to Rule 4.6 of the Divisional Enquiry Rules and Rule 8(9) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, and called upon him to file his say within fifteen days from the date of receipt of notice. Therefore, he has moved this application.

4. During the argument, learned counsel for the applicant has drawn my attention to the paragraphs nos. 22, 23 and 24 and submitted that the learned Additional Sessions Judge, after considering the handwriting expert's report, held that the handwriting expert's report (Exh. 138) is not admissible in evidence as the handwriting expert was not examined. Similarly, he pointed out paragraphs 26 and 28 and submitted that the prosecution failed to prove that the accused had forged the documents. He further canvassed that the trial Court, without verifying the original record of the 7/12 extract, has passed the impugned order and pointed out paragraph no.9 of the judgment of the trial Court, and therefore, submitted that the trial Court as well as the appellate Court failed to appreciate the evidence on record in its proper perspective.

5. To buttress his submissions, he relied on the judgment in ***Navjot Singh Sidhu v. State of Punjab and Anr., AIR 2007 SC 1003***. He pointed out

paragraphs nos. 3, 4, and 16 and submitted that in view of the dictum laid down in the said judgment, the sentence awarded by both Courts below is required to be suspended. The conviction shall not be operative till the decision of the revision is made, and accordingly, the application will be urged to be allowed.

6. *Per contra*, learned A.P.P. has drawn my attention to the evidence of PW 6 – Manoj Rapatwar and submitted that this witness has categorically deposed that the applicant has committed forgery of the documents, and therefore, learned Trial Court as well as the appellate Court has rightly convicted him, and thus, urged for rejection of the application.

7. On perusing the records, it appears that by order dated 16th May, 2025, passed in Criminal Application No. 1644 of 2025, this Court has granted interim relief and suspended the sentence awarded against the applicant by the learned Trial Court and Appellate Court and released the applicant on certain terms and conditions as imposed in the said order.

8. The Hon'ble Apex Court in *Navjot Singh Sidhu* (supra) has considered the decision in *Rama Narang v. Ramesh Narang and Ors., [1995] 1 SCR 456*. *After* considering the mandate in the said judgment, the conviction order passed by the High Court was suspended and further ordered not to operate the conviction order till the decision of the appeal.

9. Learned counsel for the applicant has pointed out that the handwriting expert's report was inadmissible in evidence as the handwriting

expert was not examined, and the Sessions Court has failed in the same. Similarly, the original record of the 7/12 extract was not before the Court while determining the question in dispute. Moreover, the applicant has preferred the revision application for challenging the judgments and orders passed by both the Courts below, and it will take time to decide it finally. Having considered the above discussion as well as the mandate laid down in ***Navjot Singh Sidhu*** (supra) and the fact that the Collector has issued notice to the applicant, in my view, it would be appropriate to suspend the sentence and grant a stay to the conviction order till the disposal of the revision application.

10. As a result, Criminal Application No. 2255 of 2025 is allowed in terms of the prayer clause (B). As a sequel, the order dated 16th May, 2025, passed by this Court in Criminal Application No. 1644 of 2025 is confirmed till the disposal of the revision application. As such, the conviction shall not be operative till the decision of the revision application. Accordingly, both these applications are disposed of.

(ABHAY J. MANTRI, J.)

SSD