



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 142 OF 2024

Nandkishor S/o Bankatrao Hambarde

Vs.

State of Maharashtra, Thru. PSO, PS Chandurbazar, Dist. Amravati

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mrs. Swati Deshpande, Advocate for applicant.
Ms. M.H. Deshmukh, APP for non-applicant/State.

**CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.**

DATE : 03.04.2025.

The applicant was charge-sheeted for the offences punishable under Sections 420, 467, 468, 471, 409 and 120-B read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the District Sub-Registrar, Co-operative Societies, Amravati lodged a complaint against the accused persons alleging that while disbursing the farmers' loan as per Government Policy the accused added the name of persons who were not in existence in the list of beneficiaries and thereby forged the list of beneficiaries.

3. The learned counsel for the applicant submits that the applicant is working on the post of Assistant Co-operative Officer, Grade-II, in the office of Assistant Registrar, Co-operative Societies, Chandurbazar, District : Amravati. It is submitted that the applicant was not named in the FIR, however, his name was added as an accused in the charge-sheet. She further points out that in the departmental inquiry initiated against the applicant, he had been exonerated on the same charges. She further submits that the trial cannot be permitted to proceed against the applicant.

4. On the other hand, the learned APP strongly opposed the application and submits that since there is sufficient evidence collected against the accused persons, this is not a fit case for quashing of the charge-sheet.

5. In the light of rival submissions, we have perused the charge-sheet. From the charge-sheet it is evident that the applicant was not named in the FIR or there are no allegations made in the FIR against the applicant. However, the applicant was added as an accused at the time of filing the charge-sheet.

6. It is to be noted that on the similar allegations and charges, the departmental inquiry was conducted and

the State of Maharashtra exonerated the applicant vide Government Order dated 25.03.2021.

7. The Hon'ble Supreme Court of India in the case of *Radheshyam Kejriwal Vs. State of West Bengal and anr.*, reported in **2011 (3) SCC 581**, has observed that in case of exoneration on merits in the adjudication proceedings where the allegation is found to be not sustainable at all and the person held innocent, criminal prosecution on the same set of the facts and circumstances cannot be allowed to continue, the underlying principle being the higher standard of proof in criminal cases.

8. In the light of the above referred well settled principle of law and facts and circumstances of this case, we have no hesitation to hold that this is a fit case for quashing of the charge-sheet as well as the criminal proceedings as the trial cannot be permitted to continue. Accordingly, we pass the following order :

- i) The Criminal Application is allowed.
- ii) The Charge-sheet dated 26/11/2018 in Crime No.277/2016, registered with Police Station, Chandur Bazar, District : Amravati for the offences punishable under Sections 420, 467, 468, 471, 409 and 120-B read with Section 34 of the Indian Penal Code, is hereby quashed and consequently the criminal proceedings

bearing Regular Criminal Case No.304 of 2018 is also quashed and set aside.

The Criminal Application is **disposed of** accordingly.

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)