



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

CRIMINAL APPLICATION (APL) NO.820/2024

Rohan Jaiprakash Adsad .Vs. State of Maharashtra and anr.

AND

CRIMINAL APPLICATION (APL) NO.755/2024

Swapnil R. Salunke .Vs. State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. S. Raut with Mr. S. Y. Rawate, Advocates for applicants in APL
No.820/2024

Mr. K. P. Mahalle, Advocate for applicant in APL No.755/2024

Mrs. S. S. Jachak, A.P.P. for non applicant No.1-State.

CORAM : ANIL L. PANSARE AND M. M. NERLIKAR, JJ.

DATE : AUGUST 21, 2025

Heard.

2. By two different applications, a common prayer is made to quash the First Information Report and the charge-sheet. The applicants have been charge-sheeted for the offence punishable under Sections 417, 420, 120-B, 468, 467, 471 and 201 of the Indian Penal Code, 1860, Section 7 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examinations Act, 1982 and Section 66-D of the Information and Technology Act, 2000.

3. Having heard both sides and having gone through the material placed before us, it transpires that Water and Soil Conservation Department has appointed private agency; Tata Consultancy Services, to conduct examination for the post of Water Conservation Officer (Civil). The premises of informant was chosen for conducting the examination. The employees of TCS company were to act as examiner. The applicants are employees of the TCS company. They were, however, not present at the examination centre. During the course of examination, one of the examinee was found to have answers with him. The other examinee noticed the same and

lodged the protest. Thereupon, respondent No.2 – informant lodged FIR, who, later on, was also arrayed as accused.

4. The case of prosecution is that the answers were provided to the candidate by demanding Rs.25,00,000/-. This story is put forth on the basis of interrogation with the persons arrested. So far as the applicants are concerned, none of the witnesses have assigned any role to the applicants. Learned A.P.P, however, submits that since applicants were employees of the TCS, they are bound to know of the activities carried out by other employees i.e. the co-accused. She further submits that co-accused has disclosed the name of applicants.

5. Thus, except for the statement of co-accused, there is absolutely nothing against applicants. At this point of time, learned A.P.P. submits that since Section 120 B of the Indian Penal Code, 1860 is invoked, one may not find direct evidence against each accused.

6. We are not impressed with this argument. Though it is true that it is difficult to get direct evidence of conspiracy, but then the conspiracy could be detected on the basis of previous and post conduct as also the conduct during the course of commission of the offence. In that sense, there has to be some evidence against the applicants disclosing the role played by them in supplying the answers to the candidate. Merely because the applicants are employees of TCS company, who are appointed for conducting the examination, one cannot jump to the conclusion that they had knowledge or that they were part of the conspiracy.

7. The learned A.P.P. submits that the applicants and co-accused were in contact with the brother of the informant. Call Detail Records (CDR) to that effect are placed on record.

8. In our view, even if, such fact is to be admitted, it will only establish that the applicants were in touch with the brother of the informant. Such contact is, unless otherwise shown, justified because

the premises of informant were selected for conducting examination. The employees of TCS company were bound to talk to informant and/or his brother for necessary arrangements to conduct examination. The CDRs, therefore, will lead nowhere.

9. Thus, the charge-sheet, even if accepted to be true, the offence under Sections 417, 420, 120-B, 468, 467, 471 and 201 of the Indian Penal Code, 1860, Section 7 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examinations Act, 1982 and Section 66-D of the Information and Technology Act, 2000, are not made out against the applicants.

10. Accordingly, we allow the applications in terms of prayer clause (a-1), which reads as under:

“(a-1) That, quash and set aside the charge sheet No. 56/2024 filed on 09/07/2024 (Annexure-C) filed in crime no.63/24 for the offence punishable under Section 417, 420, 120-B, 468, 467, 471 and 201 of the Indian Penal Code, 1860, Section 7 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examinations Act, 1982 and Section 66-D of the Information and Technology Act, 2000.”

The applications are disposed of.

(M. M. Nerlikar, J.)

(Anil L. Pansare, J.)