

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31161 of 2016

Arising Out of PS. Case No.-1485 Year-2011 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Syed Wakil Ashrafi @ Dr. Md. Wakil Ashrafi Son of Syed Jabbar Ashrafi
resident of Bibipur, PS - Kako, District - Jehanabad, State - Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Randeep Kumar Son of Shiv Shankar Mandal resident of Village - Rewasi,
PS - Riga, District – Sitamarhi.
3. Bihar School Examination Board, Patna through its Chairman

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa
For the Opposite Party/s	:	Mr. Sri Uday Chand Prasad
For the BSEB	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 08-01-2026 Heard the learned counsel for the petitioner, the

learned counsel for the State and the learned counsel for the

BSEB.

2. This application has been filed for quashing of the
order dated 26.05.2016 passed by the learned Sessions Judge,
Sitamarhi dismissing the Cr. Rev. No. 50 of 2016 preferred
against the order of cognizance dated 08.02.2016 (Mistakenly
typed as 08.02.2015) passed by the learned S.D.J.M, Sadar,
Sitamarhi under Sections 420, 467, 468, 471 IPC against the
petitioner and others in Trial No. 2397 of 2016 arising out of
Complaint Case No. C1-1485 of 2011.



3. The prosecution case, in brief, is that the complainant has alleged that he was the student of the college for the Sessions 2009-11. The petitioner has issued provisional Admit Card to the complainant for his appearance in the concerned examination. The complainant has suffered irreparable loss on account of extraordinary delay in publishing his result. It is further alleged that the complainant made request with the petitioner and other accused persons for publication of his result; but no action was taken. It is further alleged that the complainant participated in counselling process for admission after getting success in the entrance examination, 2011. During the counselling process, the mark sheet given to the complainant by the petitioner who was the Principal of the College, was found to be forged at the time of counselling on account of which, the complainant could not get admission.

4. The learned counsel for the petitioner has submitted that although in the complaint petition, it has been alleged that the copy of the mark sheet issued by the Board and certified by the College is forged, neither the complainant nor any of the enquiry witnesses have so suggested. Their statements rather show that the complainant was merely aggrieved by the delayed publication of his result. He further submits that if the



statements of the complainant and the enquiry witnesses are to be believed, no offence either of cheating or forgery is attracted against the petitioner or even others under the present circumstances.

5. The learned counsel for the petitioner has further submitted that even on a *prima facie* comparison of the alleged forged certified copy of mark sheet enclosed with the complaint petition with the copy of original mark sheet available in the record of the Board/College, one can hardly notice any material difference between the two and, as such, the claim of issuance/certification of allegedly forged mark sheet has no legs to stand upon and is completely without basis.

6. The learned counsel for the petitioner has further submitted that when the issuing Board and the concerned College is repeatedly affirming the genuineness of the mark-sheet, it is sheer bankruptcy of the O.P. No. 2 to claim it to be forged especially when it is learnt that on the strength of the same mark-sheet, the O.P. No. 2 has already been admitted in some engineering college at Hyderabad. He further submits that the present case is nothing but an abuse of the process of law by misleading the Court and such frivolous and malicious prosecution cannot be allowed to continue.



7. The learned APP for the State has opposed the prayer of the petitioner.

8. The learned counsel for the BSEB by relying on the counter affidavit has submitted the allegation of the O.P. No. 2 regarding issuing of forged mark-sheet is completely false and baseless.

9. I have heard and considered the materials on record, including the complaint petition, statements of the complainant and enquiry witnesses, and counter affidavit filed by BSEB.

10. The complainant and witnesses merely express grievance over delayed result publication, with no specific averment that the mark-sheet issued/certified by the petitioner was forged. *Prima-facie* comparison reveals no material discrepancy between the alleged forged copy and original Board/College records. BSEB affirms the mark-sheet's genuineness, and Opposite Party No. 2 has secured admission in an engineering college at Hyderabad on its strength. No ingredients of cheating or forgery are *prima facie* disclosed against the petitioner.

11. Considering the law laid down by the Hon'ble Supreme Court in the case of *State of Haryana & Ors V/s*



Bhajan Lal & Ors, 1991 Supp (1) SCC 335, the present application is allowed. Accordingly, the order dated 26.05.2016 passed by the learned Sessions Judge, Sitmarhi dismissing the Cr. Rev. No. 50 of 2016 and all the consequential proceedings arising out of Complaint Case No. C1-1485 of 2011 are hereby quashed.

(Sandeep Kumar, J)

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