



Order below Exh.1.

1. The present application has been filed against the accused No.1 to 7 for offences punishable under section 420, 463, 464, 465, 466, 468, 471, 472, 473, 474, 120b r/w 34 of the Indian Penal Code, thereby praying for issuance of directions to the concerned police station for investigation under section 156(3) of the Code of Criminal Procedure, 1973. (Hereinafter referred as the "Cr.P.C" in short).
2. Heard the Learned Advocate S.S. Shitole for the applicant at length. Perused the application and documents filed in support thereof. In order to take recourse of section 156(3) of Cr.P.C, the applicant has to prima-facie satisfy the court that:-
 - i. The averments made in the complaint/Application are prima facie constitutes cognizable offences as alleged.
 - ii. Further in respect of that offence they have approached to the police but no such steps were taken by the police authority or by their superior authority.
 - iii. And lastly that the offence is made out is such a nature that the investigation by the police is necessary.
3. It is the contention of the applicant that the accused No.1 to 7 with their common intention has created fabricated birth certificate of accused No.1 Suman Namdev Kunjeer. It is the contention of the applicant that the accused No. 1 has filed one suit RCS No.1497/2021 against the applicant before C.J.J.D, Pune. Therein the accused No.1 has produced the fabricated false birth certificate in that proceeding. The applicant has filed the copy of plaint in RCS No.1497/2021 which shows that the accused No.1 is plaintiff therein. On perusal of birth certificate [Exh.3 serial No. 5] and birth certificate [Exh.3 serial No.8], there appears some alteration in both birth certificate of Suman Namdev Kunjeer which are issued by Grampanchayat Bhongwali. Considering both certificate prima-facie there appears alteration in public document i.e. birth certificate.

4. The applicant has filed complaint sent to Rajagad Police Station and Superintendent of Police Pune Grameen [Exh.3 serial No. 9 and Exh.5 serial No.1]. The applicant has filed affidavit in support of the application. On perusal of record it seems that despite the complaint given by the applicant no action has taken by concerned authority.

5. In the present matter accused No.7 is a public servant. Therefore on the point of sanction for prosecution the Ld. Advocate for the applicant relied upon following decisions of Hon'ble Apex Court.

a. The decision of Hon'ble Supreme Court in the case of Shambunath Mishra V/s State of U.P and others 1997 ALL MR (Cri) 987 (SC).

b. The decision of Hon'ble Bombay High Court Aurangabad Bench in the case of Dr. Ramprasad Madhavlal Porwal V/s Alka Khaire and others 2017 ALL MR (Cri)3955.

6. I have minutely gone through the cited judgments. At present prima-facie there seems some alterations in the birth certificates filed by applicant, which shows commission of cognizable offence which requires investigation at length. The applicant has prima-facie satisfy the above mentioned condition in paragraph No.2. Therefore, considering the nature of offence, investigation by police is necessary in the present matter. Therefore, considering above mentioned reasons and decision in above cited judgments, I pass following order.

ORDER

1. Application is Allowed.
2. Application be send to Police Station Rajgad Tal.Bhor,
Dist. Pune, for investigation as per Section 156(3) of Cr. P.C.
- 3.Call report of investigation as per section 156(3)of Code of Criminal Procedure returnable within 60 days from today.

Date:17/12/2022

(Smt. H.U.U. Patil)
JMFC, Bhor, Dist. Pune

I affirm that the contents of this P.D.F file Order are same word for word as per original Order.

Name of the Steno : V.G.Fulari

Court Name : H.U.U. Patil,

J.M.F.C., Bhore, Dist. Pune.

Judgment /Order declared date: Date :17/12/2022

Judgment signed by presiding officer on ::17/12/2022

Judgment uploaded on :19/12/2022.”