

Order below Exh.1 in Criminal M.A. No. 03/2024.
(CNR No. : MHDH06-000012-2024)

- 1) The present application is filed by the applicant for issuance of direction to the concerned police station for investigation under section 156(3) of Cr.P.C.
- 2) Perused the application and documents placed on record. Heard Ld. Counsel for the applicant.
- 3) It is alleged by the applicant that, he is working as a Peon from 2012 in the Tukaram Ambar @ Babaji Patil Trust Highschool, Sawai Mukti, Tal. Shindkheda, Dist. Dhule. He made correspondence with accused for his promotion on the basis of Gradation list and educational qualification. However, accused No. 2 to 6 appointed the son of accused No.3 i.e accused No.1 Pratamesh Sunil Patil illegally and said appointment was not as per the rules. Accused No. 2 to 6 have prepared forged documents and back dated record for appointing accused No.1 as Clerk. Accused No. 2 to 6 did not follow the guidelines given in the Government Resolution No.एसएसएन-१००७/(२६/७)/माशि-२, dated 06/02/2012 in respect of recruitment. The advertisement of said recruitment was published in daily newspaper "Dainik Janmaidan" on 07/05/2018, however when applicant demanded the copy of said newspaper, the Editor told him that said newspaper was closed in the year 2013. Accused No.1 was given appointment letter with the signature of accused No.2 and accused No.4 got joined accused No.1 on 12/06/2018. On 26/09/2018, accused No.6 visited the school for inquiry and took the xerox copy of the Muster Roll with him. In the said Muster Roll, there was no name of accused No.1 and his signature over it.

However, accused No. 2 to 5 illegally shown accused No.1 as present in the School and cheated the Government. Accused No. 1 to 5 are relatives of each other. Therefore, the accused have committed the offence of criminal conspiracy, forgery and cheating.

4) From the perusal of allegations itself it reveals that the alleged offence is totally based on the documentary evidence which are already filed on record. No doubt, the offence is cognizable one. However, it is required to be considered that what type of investigation is necessary from the police machinery when the documents are already filed on record.

5) In such circumstances, considering the nature of allegation, I do not find any possibility of evidence of commission of offence being destroyed or tampered. In such a situation, I am of the view that, the investigation through police machinery is not warranted. It appears that by making inquiry by the court itself *vide* provisions under section 200 or onward of Cr.P.C. would serve the purpose of ascertaining the truth. Hence, I proceed to pass the following order.

-. ORDER :-

- 1) Prayer of investigation under section 156(3) of Cr.P.C. is hereby rejected.
- 2) Matter be kept for verification of the complainant.

Date : 16/04/2024
Shindkheda.

Sdxxx
(M. R. Kayastha)
Judicial Magistrate.F.C.,
Shindkheda.

CERTIFICATE

I certify that the contents of this PDF file are word to word as per Original Order.

Name of the Stenographer: Rajesh V. Sonawane

Name of the Court : Civil Court J. D., Shindkheda,

PDF Uploading date : 18/04/2024.

Sd/-xxx

Stenographer -III