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Form No. XXXII
Part – 'A'
(Para 44(i) of Chapter VI of Criminal Manual)

IN THE COURT OF JUDICIAL MAGISTRATE, FIRST CLASS, DEONI, DISTRICT LATUR.

(Presided over by S. A. Surjuse)

Regular Criminal Case No.90/2024 **Exh.No.167**

	Crime No.208/2024, Police Station, Deoni.		
Prosecution			The State of Maharashtra, Through the Police Station officer, Police Station, Deoni, Tq. Deoni, Dist. Latur.
Represented by			A.P.P. Shri. S.M. Hashmi.
Versus			
Accused		**1.**	Sudhir Shankarrao Karbhari, Age 30 years, Occ- Labour, R/o. Honali, Taluka Deoni, District Latur.
Represented by			Ld. Adv. M.S. Nagrale.
Accused		**2.**	Shrikant Dasrao Shinde, Age 39 years, Occ- Service, R/o. Prakash Nagar Latur, Taluka and District Latur.
Represented by			Ld. Adv. C.S. Mete.

Part – 'B'
(Para 44(i) of Chapter VI of Criminal Manual)

Date of Offence	Year 2021 to 2024
Date of FIR	19/06/2024
Date of Charge-sheet	18/09/2024
Date of Framing of Charges	13/11/2024
Date on commencement of evidence	05/03/2025
Date of which judgment is reserved	26/05/2026
Date of the Judgment	01/06/2026
Date of the Sentencing order, if any	01/06/2026

Accused Details

<table>
<tr><th>Rank of accused</th><th>Name of accused</th><th>Date of Arrest</th><th>Date of Release on Bail</th><th>Offences charged with</th><th>Whether acquitted or convicted</th><th>Sentence imposed</th><th>Period of detention Undergone during Trial for purpose of Section 468, BNSS.</th></tr>
<tr><td>1.</td><td>Sudhir Shankarrao Karbhari</td><td>19/06/2024</td><td>No.</td><td rowspan="2">420, 467, 468, 471 r.w.34 IPC</td><td>Convicted</td><td>2 Years</td><td>1 year 11 months and 13 days</td></tr>
<tr><td>2.</td><td>Shrikant Dasrao Shinde</td><td>30/07/2024</td><td>04/12/2024</td><td>Convicted</td><td>2 Years</td><td>4 Months 4 days</td></tr>
</table>

Note :- The oral as well as documentary evidence produced by the prosecution and accused is shown in Part- 'C' appended to the judgment, as directed in Para 44(i) of Chapter VI of Criminal Manual.

<u>: JUDGMENT :</u>
(Pronounced on 01/06/2026)

This is trial for offences punishable under Sections

420, 467, 468, 471 read with section 34 of the Indian Penal Code (Shortly called as "IPC").

2. The prosecution case, in short, is that :-

In the year 2021, the accused No.1 had been to the house of informant Surekha Umakant Chaudhari and induced her to deliver Rs.12,00,000/- for Government Job of health Worker to her son Ganesh by misrepresenting. She deposited first installment of Rs.6,00,100/- in Account No.6266169427 of the accused No.2 on 25/03/2021, second installment of Rs.5,00,100/- on 17/08/2021 and Rs.1,00,025/- in the in the account No.2010228038, as per direction of accused No.1. The accused had issued forged appointment order of health worker dated 25/03/2021 by misrepresenting as it issued by Deputy Director of Health Department. She noticed the cheating and forgery of documents. The accused Nos.1 and 2 had avoided to procure job to Ganesh. Thereafter, accused No.1 took the informant and Ganesh at house of Rajratan Ramrao Suryawanshi at Latur. Ramrao father of Rajratan executed an agreement in the presence of Notary and assured to repay on 14/06/2024. But he thereafter failed to repay the said amount.

3. Assistant police Sub-Inspector S. U. Sayyad had recorded the report of incident and registered crime No.208/2024 on 19/06/2024 for offences punishable under Sections 420, 467, 468, 471 read with 34 of the IPC against the accused Nos.1 and 2 and Rajratan, vide Section 154 of the Code of Criminal Procedure (Shortly called as Cr.P.C.)

4. During the investigation, it was found that the accused Nos.1 and 2 and Rajratan had in furtherance of their common intention dishonestly induced Tohit Ismail Shaikh to deliver Rs.4,00,000/-, Vishnu Shrirang Kamble to deliver Rs.4,15,000/-, Suryakant Mane and Dhammapal Suryakant Mane to deliver Rs.2,15,000/- and Vishnukant Bhagwat Kandangire to deliver Rs.7,00,000/- for the Government job of Health Worker and issued forged Appointment order cum letter Nos. आस्था/कावि/३२०/२२ दि.२०/१२/२०२२, आस्था/कावि/३२१/२२ दि.२४/०१/२०२२, आस्था/कावि/३१९/२२ दि.२९/०१/२०२२, Training orders, filled the Training Registers, Payment Vouchers and Payment Slips.

5. The accused Nos.1 and 2 and Rajratan had also in furtherance of their common intention dishonestly induced Komal Bharat Dolchipure to deliver Rs.20,00,000/- for the Government Job of Talathi and issued forged Appointment Letter of Talathi at Deoni and thereafter Talathi at Solapur and Training order and prepared forged Training Register, Payment Slip and Payment Voucher. Komal had deposited Rs.5,00,000/- in the account No.226201000006954 lying with IDBI Bank of accused No.2 through net banking and Rs.1,00,000/- on 15/04/2021. The accused Nos.1 and 2 and Rajratan had received cash Rs.8,00,000/- from him. Thereafter, accused No.1 had received Rs.5,00,000/- at his house. The accused Nos.1 and

2 and absconded accused Rajratan in furtherance of their common intention dishonestly induced the informant and others for delivering specified valuable amount for procuring Government Job and took back original orders and documents of witnesses.

6. The Police Sub-Inspector Pradip Bhanudas Gond had prepared the panchnama at the house of informant on 20/06/2024 in between 16.00 to 16.30 hours in the presence of witnesses. He had arrested the accused Nos.1 on 19/06/2024 and accused No.2 on 30/07/2024 and interrogated them. The accused No.1 is under trial prisoner. The accused No.2 is released on bail on 04/12/2024, as per order of the Hon'ble Sessions Court. He issued letters to the concern bank and collected statements of account of accused No.1 and 2 and Kantabai Karbhari grandmother of accused No.1. He seized photocopies of alleged documents from the witnesses. He recorded the statement of witnesses and found victims other than the informant also. Rajratan Ramrao Suryawanshi is absconded. An Officer-in-charge of Police Station had filed charge-sheet for aforesaid offences against the accused persons, vide Section 193 of Bharatiya Nagarik Suraksha Sanhita corresponding Section 173 of the Cr.P.C.

Charge, plea and defence –

7. My learned predecessor proceeded under Chapter-XIX of the Cr.P.C. and framed charge (Exh.31) for offences under

Sections 420, 467, 468, 471 read with 34 of IPC against the accused Nos.1 and 2 and recorded their separate pleas (Exh.32 and 33). To bring guilt of accused, the prosecution has examined witnesses. I explained incriminating evidence and recorded their statements (Exh.158 and 159), vide Section 351 (1)(b) of the Bharatiya Nagarik Suraksha Sanhita. They denied all evidence as false and took defence of falsely implication. It is gathered from their statements and mode and manner of cross-examination.

Point for determination and findings-

8. I have carefully gone through the record. The following points arises for my determination therefrom and I record my findings and reasons thereon as under-

No.	POINTS	FINDINGS
1.	Does the prosecution prove that, in between 2021 to 2024 at Honali, Talegaon, Neknal Taluka Deoni, the accused Nos.1 and 2 dishonestly cheated and induced the informant and witnesses to deliver valuable amount for procuring Government Job and thereby committed an offence punishable Under Section 420 of the IPC ?	**Yes.**
2.	Does the prosecution prove that, on aforesaid period, time and place, the accused Nos.1 and 2 dishonestly made forged appointment orders, training orders, training registers, payment voucher and slips, etc. in respect of witnesses and committed an offence under section 467 of the IPC ?	**No**.
3.	Does the prosecution prove that, on	

	aforesaid period, time and place, the accused Nos.1 and 2 dishonestly made forged documents with intend to cheat the informant and witnesses and committed an offence under section 468 of the IPC ?	**No.**
4.	Does the prosecution prove that, on aforesaid period, time and place, the accused Nos.1 and 2 fraudulently and dishonestly used forged documents as genuine and thereby committed offence under section 471 of the IPC?	**No.**
5.	Does the prosecution prove that, on aforesaid period, time and place, the accused Nos.1 and 2 and Rajratan Ramrao Suryawanshi done criminal act in furtherance of their common intention ?	**Yes.**
6.	What order ?	**As per final order.**

REASONS FOR FINDING

POINT NOS.1 TO 5 :-

9. Aforesaid points are interlinked and to avoid repetition, they have been discussed simultaneously.

10. Learned APP S. M. Hashmi has taken me through the prosecution case and evidence and invited my attention. According to him, all witnesses are direct and victim of offence. They are not interested witnesses. No reason to disbelieve their evidence. It is remained unshaken. Oral and documentary evidence are consistent. It has supported to the prosecution. The defence is not probable. The charged offences are duly proved. He relied on the judgment of Tharammel Peethambaran and Another Vs. T. Ushakrishan and Anr. (2026 INSC134).

11. Whereas, learned defence Advocate Shri. M. S. Nagrale for accused No.1 and Shri. C. S. Mete for accused No.2 have taken me through the prosecution evidence and invited my attention towards cross-examination. They further argued that, the prosecution failed to establish and prove exact date of alleged offences and cause of delay for report. Unreasonable delay for the report is fatal to the prosecution. They further argued that, informant Surekha is interested witness and not a victim. Her evidence is not believable. Other witnesses are not direct witness of alleged fact. The contradiction, omission and improvement are sufficient to create doubts on the prosecution case.

12. Learned defence Advocate further argued that, the prosecution witnesses and accused persons had no direct acquaintance or relations or ground to make direct communication for alleged inducement. They did not make inquiry about recruitment or its process or alleged orders or apply for Government job. Their natural prudent conduct is not established. They deposed vague and general evidence without particulars of each event. Their demeanor is sufficient to disbelieve their evidence. They made an unsuccessful attempt to portray the accused as guilty of their own fault. The alleged payment is not proved with direct and conclusive proof. Non-examinations of bank officials, Kantabai Karbhari, Ganesh and other persons is fatal to the prosecution. The bank statements are part of electronic record. It is inadmissible, because it is not supported with certificate provided under section 63 of the Bharatiya Sakshya Adhiniyam. Investigation officer did not make attempt to seize alleged amount of cheating or freeze alleged accounts of accused Nos.1 and 2, Rajratan and Kantabai and collect original documents. Investigation is defective and beneficial to the accused persons.

13. Learned defence Advocates argued, the single statement regarding position/custody of original documents and source of alleged photocopies of documents are not available in the prosecution case or the applications of magistrate custody remand and the police custody remand. The prosecution failed to prove maker, place and instrument of alleged forged documents and its use. The accused persons did not sign that documents. The forgery shall not be proved without original document and on the basis of photocopies/secondary evidence. The prosecution also failed to prove the contents of document and forgery. They relied on following judgments.

1. Haridaya Ranjan Pd. Verma Vs. State of Bihar and Anr. (Law Finder Doc. Id # 25795)

2. Shashi Lata Khanna Vs. State of Delhi and Ors. (Law Finder Doc Id # 210556)

3. Budh Ram Vs. State of Haryana (Law Finder Doc. Id # 208761)

4. Vidya Nand Jha @ Bidya Nand Jha Vs. State of Bihar (Law

Finder Doc. Id # 41149).

5. Jagmail Sings Vs. Karamjit Sings (Law Finder Doc. Id # 1715455).

6. Roopwanti Vs. State of Haryana (Law Finder Doc. Id # 2139992).

7. Hasmukhlal D Vora Vs. State of Tamilnadu (Law Finder Doc. Id # 2086768) .

14. The prosecution has examined total ten witnesses. Surekha (PW-7), Suryakant (PW-1), Vishnu (PW-3), Tohit (PW-5), Komal (PW-6), Dhammapal (PW-8) and Vishnukant (PW-9) being victims of offences are star and material witnesses. Investigation officer Pradip (PW-10), spot panch Vyankatesh (PW-2) and seizure panch Vijay (PW-4) are material witness to prove the components of investigation and circumstantial evidence.

15. Crux of evidence of Surekha (PW-7) is that, in year 2021, at Honali, the accused No.1 induced her to make payment and demanded documents of Ganesh for procuring Government Job in Health Department and stated as he would talk to Rajratan. After two days, accused No.1 informed her regarding selection of Ganesh and required Rs.15,00,000/- for procuring appointment order. They fixed amount Rs.12,00,000/-. The accused No.1 had provided details of bank account of accused No.2. She transferred Rs.6,00,100/- from her account lying with Buldhana Bank Branch Deoni to the A/c No.9427 of accused No.2, with Bank of Maharashtra and thereafter Rs.5,00,100/-

and Rs.1,00,025/- in A/c No.30380 of accused No.2. The accused No.1 issued forged appointment order of health worker on 13/09/2021 and called Ganesh at Latur for joining, obtained Ganesh's signatures on the muster and delivered original document to Rajratan. But they avoided to join Ganesh. The accused No.1 delivered photocopies of forged appointment order (Exh.P-114), training order (Exh.P-115), muster, payment slip and payment voucher. The accused No.1 avoided to repay the amount. She lodged report (Exh.P-116) and First Information Report (Exh.P-117). The defence has been testified her on her job as Asha worker, Ganesh's education upto 12th in the year 2019, no advertisement of Health Worker in the year 2021, Ganesh did not apply or receive call letter or file joining report at the Government office. She had not obtained consent of accused No.2 while depositing the amount. She or Ganesh had not reported incident prior to 19/06/2024. She did not get written document of alleged payment. She and accused No.1 had good relations prior to the report. She has income Rs. 6,00,000/- per year. But she denied her hand loan transaction with accused No.1. Father of Tohit, Dhammapal and Kamble were accompanied while reporting the incident.

16. Suryakant (PW-1) deposed, in the year 2021, as the accused No.1 induced, he paid Rs.2,00,000/- at his house and deposited Rs.1,08,000/- and Rs.52,000/- in the account of Kantabai Karbhari through phone pay from the account of friend of his son for procuring Government Job of Dhammapal. The accused No.1 issued copy of order and training letter, collected his original documents, obtained Dhammapal's signature and told him to join at Ausa and Killari. In the year 2022, after he noticed cheating asked accused No.1 to return the money. The accused No.1 had arranged meeting with accused No.2 and Rajratan. They assured to return that amount and father of Rajratan had executed an agreement in that regards on 01/03/2024. The defence collected evidence of Dhammapal's education upto 12th Standard, attempt and application for seeking job at Health Center, Ausa in the year 2022. But he cannot depose numbers of post, advertisement, date of application, examination, alleged meeting and date of Dhammapal has been called for job. Dhammapal did not apply for a job with any office. He paid amount in the year 2021 to the accused No.1, but does not know its date. He can file copy of report, which was lodged in the year 2023. The accused No.1 arranged meeting with Rajratan. Rajratan did not execute an agreement to return money. He know Surekha, but he denied he deposed false as per say of Surekha.

17. Dhammapal (PW-8) is that, in the year 2021, as the accused No.1 induced, he paid Rs.2,00,000/- for Government job at his house and transferred Rs.1,08,000/- from his bank A/c No.32041288027, lying with the State Bank of India and Rs. 92,000/- from his friend' account to the Phone pay of Kantabai

Karbhari. The accused No.1 issued forged appointment order of Health Worker, Ausa, took back that order at Latur and obtained his signature on Training Letter, Payment Slip and Payment Voucher and told him he will join later on at Killari. He got knowledge of cheating in the year of 2022. Father of Rajratan executed an agreement on 01/06/2024 regarding return the amount. As per cross-examination, he deposed as per say of his father. He had not got a written document of payment. He completed B.A. graduation and done work of surveyor in the year 2021. He does not know advertisement of recruitment. He cannot not depose date of meeting and payment, talk between his father and accused No.1 and mentioned different account number in the police statement. He lodged the report on 20/06/2024 and offence was registered. But he does not possess its document. The accused are not relatives. Honali and Neknal are having 14 Km. distance. He had not applied for job or received call letter or visit the Government office for job.

18. Vishnu (PW-3) deposed, in the year 2021, at Konali, accused No.1 induced him and his father and received Rs.4,00,000/- against assurance to procure the Government Job and issued forged joining letter and took back. He identified copy of appointment order (Exh.P-89), training order (Exh.P-90) and joining letter (Exh.P-91). The accused No.1 arranged meeting and Rajratan took back joining letter and original documents and told about three months training. Thereafter, he noticed cheating. The accused No.1 yet not returned the said amount. The defence has collected evidence of his education up to 12th standard, marks 50% and illiteracy of his father, place of meeting at Honali with accused No.1, who is not relative or resided in same village. But he cannot depose its date. His father had not seen advertisement of recruitment. He had not got written document alleged payment. His address is not recorded in appointment order (Exh.P-89), issued by the health department. He did not know recruitment and had not applied for Government job and visited the Government office in the year 2021. He lodged report of cheating, but cannot depose its date or crime number. He may file copy of the report after consent of his father. The accused was arrested and its proceeding is pending.

19. Tohit (PW-5) deposed, in the year 2021, as the accused No.1 induced, his father paid Rs.2,00,000/- prior to the order and Rs.2,00,000/- on 20/12/2022 to the accused No.1 for Government job and received forged order of health worker. The accused No.1 arranged meeting with Rajratan at Jilha Parishad, Latur. Rajratan obtained his signature and took back appointment order. Thereafter, he noticed cheating and forgery. He supplied copy of appointment order (Exh.P-107) to the police. The defence collected evidence of his education up to 12th standard and illiteracy of his father. But he had not seen advertisement of health worker. He cannot depose date of meeting. His father is agriculturist and sole earning member of his family. The crop's amount was with his family. He cannot know the spread of Corona Virus in the year 2021 and recruitment process. He cannot depose date of first payment and demand of return back amount. He had not got written document of payment. He noticed cheating on 20/12/2022. He had not lodged the report. He had not applied Government job and not knew place of getting job of health worker.

20. Komal (PW-6) deposed, accused No.1 directly on 19/01/2021, at Udaygiri Senior College, Udgir and thereafter by phone call induced him to make payment for procuring Government job of Talathi. He paid Rs.50,000/- and deposited Rs.1,00,000/- in the bank account of accused No.2, lying with the IDBI Bank. The accused No.1 and Rajratan had issued forged Talathi Order (Exh.P-94) at Deoni on 15/04/2021. The accused Nos.1 and 2 and Rajratan had received Rs. 8,00,000/- from him at Chatrapati Square, Latur. The accused No.1 received Rs.5,00,000/- at house and stated that amount deposited with Deepak Suryawanshi brother of Rajratan. The accused No.1 avoided to give job on the cause of cancelled that order and thereafter issued forged Talathi Order (Exh.P-95) of Solapur. The accused No.1 and Rajratan told him regarding completion of training and issued forged payment slip (Exh.P-98) and payment voucher (Exh.P-99). Rajratan has issued forged joining letter (Exh.P-97). He snapped photographs of identity card (Exh.P-

109), Pan card (Exh.P-110) and Aadhar card (Exh.P-111) of Rajratan in his mobile. After noticed suspicious circumstances, on 26/04/2023 he demanded Rajratan to return that amount. Rajratan sent whatsApp message in that regard and paid Rs.1,000/- and Rs.2,000/- through phone pay. Father of Rajratan had executed an agreement regarding repayment. As per cross-examination, he had no direct acquaintance with accused No.1, who was classmate of his friend. He ensured the mobile number of accused No.1 from communication. But he had not seen its document or advertisement of recruitment. The message sent by accused No.1 are not available, due to switch off his mobile since last 2 days. He himself prepared application (Exh.P-97). Komal Bharat Dolchipure R/o. Latur is mentioned in training order (Exh.P-96). The orders (Exh.P-94 and 95) does not bear signature of Head of Department. Payment slip (Exh.P-98) bears his signature, but not bears seal and signature of officer and month of payment. The payment voucher (Exh.P-99) is blank. An amount is not require for Government job. He did not verify the account number. But name accused No.2 was appeared in net banking. He can file proof of alleged payment. He had not applied or received call or join at Government office. His father is dead. He had income of 4 to 5 lakh in year 2021. The informant is not relative. He had not lodged the report. He treated the police statement as report. He and Vijay being a friend are used to help each other.

21. Vishnukant (PW-9) deposed, in year 2021, as his friend accused No.1 induced, he transferred Rs.4,00,000/- through RTGS on 22/11/2021 by receipt (Exh.P-131) and Rs.1,00,000/- through NEFT on 03/12/2021 by receipt (Exh.P-132) in the account of accused No.1 lying with Latur District Central Cooperative Bank, branch Savargaon and Rs.50,000/-, Rs.49,999/- and Rs.1/- from his account No.238701506090 lying with ICICI Bank to the phone pay of accused No.1 for Government job of Health Worker. It is recorded in the bank statement(Exh.P-133). He transferred Rs.50,000 on 30/11/2021 and Rs.10,000/- on 23/01/2022 to the phone pay account of accused No.1 from the bank account of his brother Mahesh Bhagwat Kandangire, vide Bank account statement (Exh.P-134). He also transferred Rs.30,000/- on 01/02/2022 and Rs.10,000/- on 05/03/2022 to the phone pay of accused No.1 from his brother Mahesh's bank account with ICICI, vide account statement (Exh.P-135). The accused No.1 issued forged joining order (Exh.P-136) on 15/03/2022 and took back the same at Latur with help of Rajratan. They directed him to join at Shirur Anantpal after receiving call. Thereafter, the accused No.1 made forged phone call and stated to do not join at this stage, because some one applied under the right of information. Rajratan had received his 10th class mark-sheet and obtained signature regarding completion of training. The accused No.1 had issued and took back training order by issuing its copy (Exh.P-137). The accused avoided to grant Government job or return the amount Rs.7,00,000/-. As per the cross-examination, he is B.A. graduate. He had not seen advertisement of Health Worker or made inquiry with concerned department and recruitment was not held in the year 2019 to 2021. The accused No.1 used to visit Konali, because his relative resided there. He deposited amount as per the demand of accused. He had not stated dates of payment to the police.

22. Investigation officer Pradip (PW-10) deposed, he prepared panchnama (Exh.P-80) at house of informant and received photocopies of appointment order, training order, muster, payment slip and payment voucher from witnesses and photocopy of appointment order, training order, joining letter, payment slip and payment voucher from Komal. During police custody, accused No.1 had given details of his bank account No.32353286150 lying with State Bank of India, branch Deoni, bank account No.108411002100608 lying with Latur District Central Cooperative Bank, Branch Savargaon. He issued letters (Exh.P-144 and P-146) to concern banks and received Bank statements (Exh.P-145 and P-147). The accused No.1 had given details of account of his grandmother Kantabai Shankarrao Karbhari. He issued letter (Exh.P-148) to Maharashtra Gramin Bank, Branch Deoni and sought statement (Exh.P-149) of A/c No.9175363101. There is entry of payment of Rs.1,00,000/- dated 01/09/2021 made by Dhammapal. He issued letter (Exh.P-150) to IDBI Bank and got statement (Exh.P-151) of A/c

No.0497104000311403, owned by Rajratan. There are entries of transactions with accused Nos.1 and 2. He issued letter (Exh.P-152) to the Indian Bank branch Udgir and got account statement (Exh.P-153) of account of accused No.2. There is entry of payment of Rs.6,00,000/-, made by Surekha. He also issued letter (Exh.P-154) to Bank of Maharashtra and sought bank statement (Exh.P-155) of accused No.2. He issued letter (Exh.P-156) to Buldhana Urban Cooperative Bank and got account statement (Exh.P-157) of Surekha. An entry of payment of dated 17/08/2021 is recorded in that statement. He arrested the accused No.2, who stated custody of original documents with Rajratan. But Rajratan did not tress out. He seized document from Komal and prepared his panchnama (Exh.P-93). As per the cross-examination, he did not make inquiry with Ganesh and Kantabai Karbhari. He did not examine eye witness of alleged cheating. He does not know source of credited amount in bank account of Kantabai. There were no written documents of alleged transactions. He did not collect SDR and CDR of communication between accused and informant and CCTV footage from the office of Jilha Parishad Latur. He had not mentioned the status of document in the police custody remand and Magistrate custody remand. He nothing seized from the accused. He prepared panchnama regarding the document produced by informant and witnesses. The witnesses did not make separate complaint of cheating. The concerned bank did not issue letter along with the statements. He did not file record regarding attempt to arrest Rajratan.

23. Vyanktesh (PW-2) deposed, on 20/06/2024, in between 4.00 to 4.30 p.m., at house of informant, the police prepared spot panchnama (Exh.P-80) regarding communication and payment to accused No.1, in his presence and in presence of Shivaji Rama Kore. The defence collected evidence of distance 2 and ¼ km. between in his village and Konali. He know the informant, but not seen document of house and no knowledge of alleged payments.

24. Vijay (PW-4) deposed, his friend Komal deposited and police seized Deoni's Talathi copies of order (Exh.P-94), Solapur's Talathi Order (Exh.P-95), Training Order (Exh.P-96), Joining Report (Exh.P-97), Payment Voucher (Exh.P-98), Payment Slip (Exh.P-99) and prepared its panchnama (Exh.P-93) in his presence, in between 2.00 to 2.20 p.m., on 21/06/2024, at police station Deoni. The defence has collected evidence of his good relation and friendship with Komal and he had been there as per request of Komal, who deposited photocopies of documents. But he cannot depose the crime number, name of police and time of panchnama. The village Loni and Deoni had distance of 20 Km.

25. I have given thoughtful consideration to the arguments advanced by both the advocates and carefully gone through all the evidence led by the prosecution and proved documents on record. Bearing in mind submissions made by both the advocates and ingredients of offences, now, I proceed to discuss and appreciate the evidence led by prosecution.

26. Before appreciating the evidence on record, it would be beneficial to see the cardinal principle of criminal jurisprudence, components of offences and some important observations made by Hon'ble Apex Court and Hon'ble High Courts in aforesaid cited judgments. The Hon'ble Supreme Court in case of Haridaya Ranjan Pd. Verma Vs. State of Bihar held that,

> "*In definition of cheating there are set forth two separate clauses of acts which the person deceived may be induced to do. In the first place he may be induced fraudulently or dishonestly to deliver any property to any person. The second class of acts set forth in section is the doing or committing to do anything which the person deceived would not do or omit to do if he were not so deceived.*"

26.1 The Hon'ble Supreme Court in case of Roopwanti Vs. State of Haryana held that,

> *"Mother of deceased is an interested witness and her evidence is not reliable."*

27. I have carefully gone through the record. The fundamental presumption in the administration of criminal law is the innocence of the accused, till the charges are proved beyond reasonable doubt on the basis of cogent and credible evidence. Mere suspicion, however, strong it cannot be substituted for the legal proof, required to substantiate the charge of commission of crime. In the light of above legal position, now, I consider whether the prosecution succeeded in establishing the chain of circumstances leading to an inescapable conclusion that accused persons have committed cheating.

28. The aforesaid witnesses have no enmity or grievance against the accused persons. There are no specific reasons to depose false or implicate the accused in false case. An education in third year of degree of Komal (PW-6) is minor and immaterial omission. It will not cause harm to the prosecution case. As per their answers, then situations and period, the lack of dates of payment, meeting, etc are not creates doubt on their evidence. The accused will not get its benefits. There are no reasons to disbelieve their evidence.

29. The defence has collected evidence in support of alleged communication and its kinds. The evidence in regards of alleged communication is remained unshaken. The accused No.1 and Komal are friends. The accused No.1 is residing in the village of informant and adjoining village of other witnesses. Their acquaintance is proved. The lack of mobile numbers, date of meetings and relations or acquaintance are minor fault and insufficient to disbelieve their evidence. The defence unsuccessfully tried to establish no communication between the witnesses and the accused persons due to the situation of lockdown and spread of Corona Virus in the year 2021 and at the time of alleged offence. Hence, the prosecution succeeded to prove their acquaintance and communication.

30. Surekha and Suryakant are parents of Ganesh and Dhammapal respectively. The accused No.1 had made direct contact and communication with them. Other witnesses are victim and were indirect contact of accused. They had no interest in each other or against the accused persons. There is no sufficient to establish that they are interested witnesses. They are victim of offence. Therefore, the defence argument is not accepted. The aforesaid ratio of the case Roopwanti Vs. State of Haryana is not helpful to the defence.

31. The defence have not denied the relations between Kantabai and accused No.1. The evidence of that relationship is remained unshaken. Accordingly, Kantabai is a grandmother of accused No.1.

32. The defence has simultaneously challenged evidence of witnesses on the basis of economic capacity and denied alleged payment. But witnesses have deposed their income source and source of payment. It is remained unshaken. Therefore, mere because challenged economic capacity does not establish adverse fact or non-payment. It is pertinent to note the nature of transaction. The common conduct of prudent person need to be considered. Suryakant (PW-2), father of Tohit (PW-

5), father of Vishnukant (PW-9) and father of Vishnu (PW-3) are illiterate. They could not know effect of alleged payment and written document. As Ganesh, Tohit (PW-5), Vishnu (PW-3), Vishnukant (PW-9), Komal (PW-6) and Dhammapal (PW-8) were unemployed, it is established that they lured by the dream of Government Job shown by the accused. The payment of money is not required for seeking Government job. If made payment of money against assurance of Government Job, it would become bribe, which is evil of society. Therefore, such type of transactions are not happened openly. Hence, calling written documents of alleged transactions or payment will amount contrary to the natural action. Under such circumstances, non availability of written document of alleged transaction or payment is insufficient to disbelieve evidence.

33. The prosecution relied on the RTGS receipt, NEFT receipt, Bank Statements (Exh.P-133) of Vishnukant, Bank Statement (Exh.P-157) of informant, Bank Statement (Exh.P-145 and P-147) of accused No.1, Bank Statement (Exh.P-149) of Kantabai Biradar, Bank Statement (Exh.P-151) of Rajratan, Bank Statement (Exh.P-155) of accused No.2 and its letters (Exh.P-144, 146, 148, 150, 152, 154 & 156). An evidence of investigation officer Pradip (PW-10) is remained unshaken. No reason to disbelieve it. Accordingly, the fact of collection of bank's account statements is duly proved. After gone through that statements, it is computer print out. The presumption of certified copy of banker books provided under Section 4 of the Banker's Book Evidence Act 1891 is played very important role in order to determine validity of bank statement. As per endorsement recorded thereon as " This is computer generated document. No signature is required." Accordingly, those statements are digital printout of digital bank account. It is admissible in eye of law.

34. The defence Advocate have challenged that statements on the ground of unavailability of certificate under Section 63 of the Bharatiya Sakshya Adhiniyam. The learned APP relied on the judgment between Sharifa Dost Mohammad Vs. M/S. Ajit Developers Pvt.Ltd. (2025 : BHC-AS-8423). First of all, there is need to go through that judgment. The Hon'ble Bombay High Court has held that -

> *"The original bank statement were not per se inadmissible in evidence. The certificate provided under Section 2 (8) of the Banker's Book Evidence Act is require to the certified copy. Certificed copy means copy of any entry in the books of a bank, together with a certificate written at the foot of such copy that it is a true ordinary books of the banks and has made in the usual and ordinary course of business, and that such book is stick in custody in bank, such certificate being a dated and subscribe by the principle accountant or manager of the bank with his name and official title."*

35. Aforesaid Bank Statement (Exh.P-145, 147, 149, 155 and 157) of accused No.2, accused No.1, Kantabai and informant, bears sign and signature of bank officials with endorsement of correct entries. It is admissible in eye of law vide Section 2(8) read with Section 4 of the Bankers Books Evidence Act. No doubt that print out are part of the electronic record. The special enactment has provided special provision. Therefore, general provisions of Bharatiya Sakshya Adhiniyam will not prevail over the special law. Those Bank Statements are admissible in evidence without further proof or certificate under Section 63 of the Bharatiya Sakshya Adhiniyam. Those statements has established the fact of alleged payments. Therefore, the need of examination of Kantabai, Bank official and Ganesh is not established. Non-examination of those persons do not create circumstances in favour of the defence.

36. In view of section 72 of the Indian Contract Act, anyone to whose money has been paid or delivered by mistake must repay or return it. It has cast duly upon recipient. Similarly, the said fact is being especial knowledge, the accused persons area bound to prove its cause, vide section 109 of Bharatiya Sakshya Adhiniyam, 2023 corresponding section 106 of the Indian Evidence Act. Hence, the accused Nos.1 and 2 and Kantabai Karbhari i.e. grandmother of the accused No.1 were bound to repay or return that amount. Their natural and prudent act regarding informed that fact to their banks and not spend money is not established. The accused have no defence in that regards. Similarly, it will be an offence of misappropriation of property and valuable security.

37. The prosecution came with case of there were no recruitment, its advertisement and vacancies in the concern Department of Health and post of Talathi, and Ganesh, Tohit, Vishnu, Vishnukant, Komal and Dhammapal had not applied for Government job or they had not received calls form the Government officer. The payment of money is not required to get Government job. The defence has collected and suggested evidence in that support and not rebutted available evidence. The accused No.1 or 2 or Rajratan had no an authority to collect money for procuring Government jobs. Under such circumstances, giving offer or assured to allot Government Job on the basis of payment will amount inducement and misrepresentation.

38. As per Section 24 of IPC defined dishonestly. Accordingly, act with the intention of causing wrongful gain to one person or wrongful loss to another person is material. In this case, the act of accused was with intent to cause wrongful gain for themselves and cause wrongful loss to the victims i.e. PW1, PW-3, PW-5 to PW-9 and others. Hence, it is sufficiently proved that, the accused No.1 misrepresented and assured the witnesses, they would get Government Job against the money. The accused No.2 and 3 have assisted him in that regard. It is amount to induce to deliver valuable amount. It has also established/ proved dishonest intention since beginning.

39. As per explanation of section 415 of the IPC, dishonest concealment of fact is a deception within meaning of this section. In the present case, the accused persons have concealed the fact of their authority and falsely misrepresented in respect of procuring Government job. Hence, I concluded that the prosecution has proved components of cheating and induce to deliver valuable amount provided under section 420 of IPC.

40. Bearing in mind submissions made by both the advocates and ingredients of forgery and Sections 467, 468, 471 and 34 of the Indian Penal Code, now, I proceed to discuss and appreciate the evidence led by the prosecution. Before appreciating the evidence on record, it would be beneficial to see components of offences and ratio laid down in cited judgments.

41. The Hon'ble Supreme Court in case of Tharammel Peethambaran and Another Vs. T. Ushakrishan laid down broad parameters summarizing the procedure to be followed for introducing secondary evidence are reiterated and read thus,

> *20.1 The fundamental principle of the Indian Evidence Act is that facts have to be established by primary evidence. Section 64 mandates that documents must be proved by primary evidence, which is considered the "best evidence". Primary evidence is the rule, while secondary evidence is an exception admissible only in the absence of primary evidence. A party is generally required to produce the best evidence available; so long as the superior evidence (the original) is within a party's possession*

or reach, they cannot introduce inferior proof (secondary evidence).

20.2 Before secondary evidence can be admitted, the party relying on it must lay a factual foundation. This involves two steps: First, the party must prove that the original document actually existed and was executed. Secondly, the party must establish valid reasons as to why the original cannot be furnished.

20.3 Secondary evidence is inadmissible until the non-production of the original is accounted for in a manner that brings the case within the specific exceptions provided in Section 65. If the original itself is found to be inadmissible through failure of the party who files it to prove it to be valid, the same party is not entitled to introduce secondary evidence of its contents.

20.4 Section 65 of the Evidence Act is exhaustive and states the specific circumstances under which secondary evidence is permissible. To introduce secondary evidence, a party must satisfy the conditions of one of the clauses (a) through (g) of Section 65.

20.5 Further, admitting a document as secondary evidence does not automatically prove its contents. The secondary evidence must be authenticated by foundational evidence showing that the alleged copy is, in fact, a true copy of the original. For instance, if a party wishes to introduce a photostat copy, they must explain the circumstances under which the copy was prepared and who possessed the original at the time the photograph was taken.

20.6 Mere admission of a document or making it an exhibit does not dispense with the requirement of proving it in accordance with the law. The court has an obligation to examine the probative value of the document and decide the question of admissibility *before making an endorsement on the secondary evidence. If the foundational facts, such as the loss of the original or the explanation for its non-production, are not established, the court cannot legally allow the party to adduce secondary evidence.*

20.7 There is no requirement that an application must be filed to lead secondary evidence. While a party may choose to file such an application, secondary evidence cannot be ousted solely because no application was filed. It is sufficient if the party lays the necessary factual foundation for Condition for Secondary Evidence leading secondary evidence either in the pleadings or during the course of evidence.

21. Therefore, the introduction of secondary evidence is a two-step process, wherein, first, the party must establish the legal right to lead secondary evidence, and second, they must prove the contents of the documents through that evidence. The twin requirements are conjunctive.

41.1 The Hon'ble Supreme Court in case of Jagmail Sings Vs. Karamjit Sings held that,

"For secondary evidence to be admitted, foundational evidence has to be given being reasons as to why original evidence has not been furnished. The secondary evidence is only exception to rule for which foundational facts have to be established to account for existence of primary evidence. Where original document are not produce without plausible reason and factual foundation for laying secondary evidence not established it is not permissible for Court allow party to adduce secondary evidence."

41.2 The Hon'ble Delhi High Court in case of Shashi Lata Khanna Vs. State of Delhi held that,

> *“In order to establish an offence of forgery, original documents before the concerned Court is necessary. The copy or photocopy is insufficient to prove offence of forgery. The original was never produced in that Court, nor it was proved in accordance with law, hence the offence of forgery or using of said forged document has not been proved. Once the offence of forgery is not proved, there is no question of using the forged document as genuine. The accused persons cannot be convicted for offences under Sections 465, 468, 471, 120(b) of IPC.”*

41.3 The Hon’ble Panjab and Haryana High Court in case of Budh Ram Vs. State of Haryana held that,

> “*Original document in respect where of forgery was committed are not brought on record. The offence of forgery can only be committed in relation to the original document and not with respect to the copies thereof.”*

41.4 The Hon’ble Patana High Court in case of Vidya Nand Jha @ Bidya Nand Jha Vs. State of Bihar held that,

> *“There was allegation of 16 warrants utilized by accused persons for issuing tickets to police personal were forged. Original warrants are not produced to compare with alleged forged one by an expert. Nothing material to show that the warrants utilized were forged. The prosecution has not led any evidence to prove that accused person had knowledge that these warrants are forged and there were utilizing them for causing wrongful loss to railway. Mere oral statements, in absence of original documents, not sufficient to prove that document is forged as it differ from the original in size and shape or that format is different to the original. No offence of either cheating or forgery made out.”*

42. In the light of above legal position, now, I consider whether the prosecution succeeded to establish the chain of offences leading to an inescapable conclusion that accused persons have committed forgery of documents and use of forged document for the purpose of cheating and as genuine.

43. The prosecution relied on photocopies of alleged forged documents. As per judgment between Tharammel Peethambaran and Another Vs. T. Ushakrishan established procedure and mode of proving secondary evidence. Accordingly, the prosecution is bound to prove existence and custody of original document. Aforesaid witnesses have not deposed regarding maker, date, time, place and alleged documents. They also not deposed present custody of original documents and registers. That contents are not mentioned in the statement of witnesses and the prosecution case. There are contents of original document and appointment orders were delivered to the accused. But the prosecution has not adduced conclusive evidence or aforesaid witnesses have not surely deposed regarding the accused persons have prepared the forged document.

44. Similarly, the prosecution had not filed and proved statement of accused No.2, which allegedly recorded by investigation officer Pradip (PW-10). The statement before police and during the custody is inadmissible. Hence, alleged statement is not admissible. The I.O. had not disclosed place and custody of those documents. He deposed custody of original documents with absconded accused. He has shown the possibility in that regard, vide letter (Exh.62) dated 05/03/2025, when this Court called explanation of original document. But that evidence and letter are brought on record after thought. It is not natural act. It is probable that the said reasons are improvement. Hence, it is not trustworthy.

45. Surekha (PW-7) did not assign reason of not mentioning the contents in the report (Exh.P-116) regarding accused No.1 called Ganesh at Latur, obtained his signature on the muster, supplied original document to Rajratan, gave photocopies of appointment order, training order, muster, payment slip and payment Voucher and Health department had not issued order of Health Worker. Vishnu (PW-3) did not assign reason of not mentioning the contents in his statement regarding supply photocopies of appointment order, training order and joining letter to the police. Tohit (PW-5) did not assign reason of not mentioning the contents in his statement regarding the word of health worker and supplied copy of appointment order to the police and Rajratan took back that order. Vishnukant (PW-9) did not assign reason of not mentioning the contents in the police statement regarding accused took back joining order and training order and issued photocopies. That evidence has established improvements, which caused harm to prosecution case.

46. Investigation officer Pradip (PW-10) had not seen original documents. He had seized photocopies and not seized instruments of forged documents, not searched its place or author. It shows his inaction pertaining to bring material evidence on record. Alleged documents were not found in the Government office. Considering the nature of allegation and offence, he should have made endeavor to collect all material evidence regarding guilt of the accused. If he made inquiry with concern Department and its head office i.e. separate and Government institution, then it was became very necessary to make written communication and sought documentary proof in that regard or record statement of head of Department. But he failed to do so. The prosecution failed to assign reasonable cause for that omission. Therefore, evidence of Pradip (PW-10) regarding inquiry with the Deputy Director of Health Service, Latur and Government Hospital, Ausa, but had not made written communication or recorded statement of head of that office is not admissible in eye of law. It is an improvement to save his skin and concealed faults.

47. The witnesses and investigation officer have deposed inconsistent evidence regarding custody of original documents and source of photocopies without credible source. As per evidence of Pradip (PW-10), Tohit had not deposited photocopies of orders and stated Rajratan received an original order and dates of payments, Vishnu had not stated about photocopies of appointment order, training order and joining report, Dhammapal had not stated about training at Pune, obtained signature on payment slip and payments voucher. That omissions played vital role, which becomes material contradictions. It is sufficient to establish their lack of knowledge of custody of original and source of photocopies.

48. Accordingly, custody or place of original document is not proved with strong proof. The mode of proving document is played vital role. An earlier orders of permission to adduce secondary evidence was base upon the submission of prosecution and not on the evidence. Now the evidence is available. Therefore, it is held that the prosecution failed to prove the base of adducing secondary evidence.

49. Accordingly, the prosecution failed to produce and prove forged original documents and source of photocopies of that documents. There is no strong or conclusive evidence to prove date, time, place and makers of alleged documents. Investigation officer did not make efforts to bring cogent material on record. The prosecution failed to furnish original documents and its cogent and satisfactory reasons. The secondary evidence is only exception to rule for which foundational facts have to be established to account for existence of primary evidence. The ratio of Jagmail Sings Vs. Karamjit Sings is applicable in this case. Accordingly, the prosecution failed to prove plausible reasons for non production of original documents and factual foundation for laying secondary evidence. Therefore, secondary evidence shall not take place of original documents. Merely because earlier orders of granting permission of secondary evidence do not create indefeasible right or proof of original documents. The fact of cases are distinguished, therefore ratio of case Tharammel Peethambaran and Another Vs. T. Ushakrishan is not helpful to the prosecution.

50. The fact of cases is identical. The ratio of aforesaid cases Shashi Lata Khanna, Budh Ram and Vidya Nand Jha @ Bidya Nand Jha are helpful to the defence. The photocopies are insufficient to prove the forgery of appointment order, training order, joining letter, muster, payment slip and payment slip. The offence of forgery can only be committed in relation to the original document and not with respect to the copies thereof. Mere oral statements, in absence of original documents, not sufficient to prove that documents are forged. The prosecution has never produced original, nor it was proved in accordance with law. Hence, the offence of forgery or using of said forged document has not been proved. Once the offence of forgery is not proved, there is no question of using the forged document as genuine. The offences under Sections 465, 468, and 471 of the IPC shall not be proved.

51. The defence has collected and suggested evidence in support of the report (Exh.P-116) and First Information Report (Exh.P-117). It is duly proved. Tohit, Vishnu, Suryakant, Dhammapal, Vishnukant and Komal have deposed about their reports. But it is not filed on record and proved as per law. On contrary, it is established that they treated their statement as report. The investigation officer has found the nexus of alleged offence with the said witnesses. That fact is discovered during the investigation. Under such circumstances, there is no need of report of each witness. There is need to go through entire prosecution case. The FIR is not encyclopedia of the prosecution case. Therefore, non mentioning the fact in regard of those witnesses does not create helpful circumstance to the defence.

52. As above discussed, it is proved that the informant and aforesaid witnesses had deposited valuable amount with the accused Nos.1 and 2 and Rajratan Ramrao Suryawanshi, as per inducement of accused No.1. The informant and witnesses had taken continue followup to get Government Job. They are the victim of trap and lured of dream of Government Job shown by the accused persons. They knocked the door of police as soon as noticed the cheating and act of accused. The lack of knowledge or darkness of dishonest intention of the accused persons are cause of alleged delay. It is reasonable cause. There is no unreasonable delay. The defence argument is rejected.

53. Pradip (PW-10) and Vyankatesh (PW-2) are star and direct witnesses of spot panchnama (Exh.P-80). The defence has collected evidence in that support. It is remained unshaken. The defence has nothing brought on record to establish probability of habitual panch. Accordingly, the spot and panchnama are duly proved.

54. The Hon'ble Supreme Court in case of Hasmukhlal D Vora Vs. State of Tamilnadu held that,

> *"Inordinary delay between initial site inspection, show cause notice and complaint if not reasonably explained is fatal to the prosecution case."*

55. After carefully gone through the record and as above discussed, the informant and witnesses approached the police as soon as discovered alleged cheating. There is no unreasonable delay in report. In the present case, spots of incident are several places as where induced to make payment, received money, prepared and delivered documents, etc. Due to the act of delay in compliance of promise, necessary and required marks may not be sight in site inspection. Hence, site inspection is not required in this case. The fact of cases are distinguished. Hence, that ratio is not helpful to the accused.

56. Komal (PW-4), Pradip (PW-10) and Vijay (PW-4) are star and direct witnesses of seizure of photocopies of documents (Exh.P-94 to P-99) and panchnama (Exh.P-93). The defence has collected evidence in that support. It is remained unshaken. The defence has nothing brought on record to establish probability of habitual panch witness or contrary or adverse fact. Accordingly, the seizure and panchnama are duly proved.

57. The prosecution case and evidence of Pradip (PW-10) has established defective investigation and fault of investigation officer. He has not explained its reasonable or satisfactory cause of non seizure of amount, not freeze account of accused Nos.1 and 2, absconded accused Rajratan and Kantabai Karbhari and no inquiry with concern Department or collect reasonable documents or letter therefrom. But that defects are not beneficial to the accused for escaping from the clutches of law and guilt for cheating.

58. As above discussed, the prosecution succeeded to prove an offence under section 420 of the IPC. The receiving payment, communicate to facilitate the cheating and inducement to delivery of valuable amount would establish role of the accused No.2 and absconded accused Rajratan. They had actively participated in the crime and their active involvement is proved. Their meeting of mind and common intention to do a criminal act is proved beyond reasonable doubt. The accused Nos.1 and 2 are liable to be convicted for the said offence.

59. But the prosecution failed to prove offences under section 467, 468 and 471 read with 34 of the IPC with cogent evidence and beyond reasonable doubt. The accused Nos.1 and 2 are entitled to acquit therefrom. Hence, I answered point No.1 and 5 in affirmative and point Nos. 2 to 4 are in negative.

POINT NO.6 :-

60. As discussed above, the prosecution failed to prove offences under section 467, 468 and 471 of the IPC. The accused persons are entitled to acquit therefrom in lack of conclusive proof and benefit of reasonable doubt.

61. As above discussed and affirmative finding of point No.1 and 2, the prosecution succeeded to prove an offence under section 420 of the IPC and criminal act of accused No.1 and 2 with common intention beyond reasonable doubt. Hence, I hold that, the accused Nos.1 and 2 are guilty and convicted of an offence under section 420 read with 34 of the IPC. Therefore, I take pause to hear both parties on the point of sentence.

DISTRICT COURTS MAHARASHTRA

Digitally signed by SHARAD AWADHUTRAO SURJUSE
Date: 2026.06.01 17:14:43 +0530

(S.A. Surjuse)
Judicial Magistrate First Class,
Deoni.

62. The police escort has physically produced the accused No.1 before me. Both accused have submitted they have no concern with alleged offence and they prayed lenient view while awarding sentence. Learned advocate Shri. Mete for accused No.2 is absent. Learned advocate Shri. M.S. Nagrale for both accused prayed to award minimum sentence or sentence for the undergone period only, which will suffice in eye of law.

63. Learned APP Shri. Hashmi submitted that the alleged offence is big scam of cheating and extort huge money. It is an economic offence. He prayed maximum sentence.

64. I carefully gone through the record and argument. The guilt of the accused persons is duly proved. They have right to prefer an appeal against this judgment. This court should not revisit the fact of components of offence while determining the quantum of sentence. Therefore, submission of accused regarding no concern is not having substance. It is rejected.

65. The prosecution has not adduced evidence of previous conviction of the accused persons. This is first offence of the accused persons. Their conduct and character and nature of offence are material for deciding quantum of punishment. It is not established. This is an economic offence. Multiple persons are victims of offence. Considering that nature and effect of offence over the society, I am not willing to extend benefit of Probation of Offenders Act to them. The accused persons are liable to punish as per the law. But no sufficient grounds or reasons to ward minimum sentence only. The nature and *modes operendi* of offence are material to determine sentence of imprisonment. Hence, two years rigorous imprisonment with fine of Rs.5000/- each will just and proper for an aforesaid offence and meet justice to the victim. It will suffice the purpose of the law.

66. The accused No.1 is in custody and under trial prisoner since the date of arrest i.e. 19/06/2024. The accused no.2 was arrested on 30/07/2024 and released on bail on 04/12/2024. Both accused persons are entitled to set-off of undergone period under section 468 of the BNSS.

67. The accused No.2 has executed bail bond and made compliance of section 481 of the Bharatiya Nagarik Suraksha Sanhita.

68. As above discussed, involvement of absconded accused Rajratan Ramrao Suryawanshi is established in this case. But this charge sheet was filed in his absence. The investigation is defective. There is need to make further investigation in respect of absconded accused and infirmities noted as above. Hence, this is fit case to direct the Police Station Officer, Police Station Deoni to make further investigation in respect of act of absconded accused and then file final report. Hence, in answer of point No.6, I passed the following order.

-:: ORDER ::-

1. The accused Nos.1 and 2 are acquitted of offences punishable under Sections 467, 468 and 471 read with section 34 of the Indian Penal Code, vide section 271 (1) of the Bharatiya Nagarik Suraksha Sanhita.

2. The accused No.1 is convicted of offence punishable under Section 420 of the Indian Penal Code, vide section 271 (2) of the Bharatiya Nagarik Suraksha and sentenced to rigorous imprisonment of 2 years and fine of Rs.5,000/-

(Five Thousand only).

3. The accused No.2 is convicted of offence punishable under Section 420 read with Section 34 of the Indian Penal Code, vide section 271 (2) of the Bharatiya Nagarik Suraksha and sentenced to rigorous imprisonment of 2 years and fine of Rs.5,000/- (Five Thousand only).

4. In default of fine, the accused Nos.1 and 2 shall sentence to simple imprisonment of three months each.

5. The bail bond of accused No.2 shall be surrendered and accused Nos.1 and 2 are taken in custody.

6. Informed the right of appeal against the conviction and sentence to the accused persons.

7. Copy of this judgment shall supply free of cost to the accused persons.

8. As observed above, the Police Station Officer, police station deoni shall make further investigation against absconded accused Rajratan Ramrao Suryawanshi and filed final report as per law.

9. The Judgment dictated on computer and pronounced in open Court.

DISTRICT COURTS MAHARASHTRA

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Date: 2026.06.01 17:14:54 +0530

Dated :01/06/2026. (S. A. Surjuse)
Deoni. Judicial Magistrate First Class,
Deoni.

APPENDIX

Part – 'C'
(Para 44(i) of Chapter VI of Criminal Manual)

List of Prosecution / Defence / Court Witnesses

A. Prosecution witnesses :-

Rank	Name	Nature of Evidence
PW-1	Suryakant Yadavrao Mane	Witness
PW-2	Vyankatesh Narayan Singrupe	Panch Witness
PW-3	Vishnu Shrirang Kamble	Victim/Witness
PW-4	Vijay Vilas Dangor	Panch Witness
PW-5	Tohit Ismail Shaikh	Victim/Witness
PW-6	Komal Bharat Dolchipure	Victim/Witness
PW-7	Surekha Umakant Chaudhari	Victim/Witness
PW-8	Dhammapal Suryakant Mane	Victim/Witness
PW-9	Vishnukant Bhagwat Kandangire	Victim/Witness
PW-10	Pradip Bhanudas Gond	Investigating Officer

B. Defence Witnesses, if any - Nil.

C. Court Witnesses, if any - Nil.

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS -

A. Prosecution Exhibits :-

Sr. No.	Exhibit Nos.	Description
1.	**Exhibit P-80/PW2**	Spot Panchnama
2.	**Exhibit P-90/PW3**	Appointment Order
3.	**Exhibit P-91/PW3**	Joining letter

4.	**Exhibit P-93/PW4**	Seizure Panchnama
5.	**Exhibit P-94/PW4**	Order of Talathi Deoni
6.	**Exhibit P-95/PW4**	Order of Talathi Solapur
7.	**Exhibit P-96/PW4**	Training Order
8.	**Exhibit P-97/PW4**	Joining Report
9.	**Exhibit P-98/PW4**	Payment Voucher
10.	**Exhibit P-99/PW4**	Payment Slip
11.	**Exhibit P-107/PW5**	Appointment Order
12.	**Exhibit P-109/PW6**	Copy of Identity Card
13.	**Exhibit P-110/PW6**	Copy of Pan Card
14.	**Exhibit P-111/PW6**	Copy of Aadhar Card
15.	**Exhibit P-114/PW7**	Appointment Order
16.	**Exhibit P-115/PW7**	Training Order
17.	**Exhibit P-116/PW7**	Report
18.	**Exhibit P-117/PW7**	First Information Report
19.	**Exhibit P-131/PW9**	RTGS Slip
20.	**Exhibit P-132/PW9**	NEFT Slip
21.	**Exhibit P-133/PW9**	Bank Statement
22.	**Exhibit P-134/PW9**	Bank Statement
23.	**Exhibit P-135/PW9**	Bank Statement of Mahesh
24.	**Exhibit P-136/PW9**	Joining Order
25.	**Exhibit P-137/PW9**	Training Order
26.	**Exhibit P-144/PW10**	Letter to Bank
27.	**Exhibit P-145/PW10**	Bank Statement
28.	**Exhibit P-146/PW10**	Letter to Bank
29.	**Exhibit P-147/PW10**	Bank Statement
30.	**Exhibit P-148/PW10**	Letter to Bank
31.	**Exhibit P-149/PW10**	Bank Statement
32.	**Exhibit P-150/PW10**	Letter to Bank
33.	**Exhibit P-151/PW10**	Bank Statement

34.	**Exhibit P-152/PW10**	Letter to Bank
35.	**Exhibit P-153/PW10**	Bank Statement
36.	**Exhibit P-154/PW10**	Letter to Bank
37.	**Exhibit P-155/PW10**	Bank Statement
38.	**Exhibit P-156/PW10**	Letter to Bank
39.	**Exhibit P-157/PW10**	Bank Statement

B. Defence Exhibits :- Nil.

C. Court Exhibits - Nil.

D. Material Objects :-

Sr. No.	**Material object Number.**	**Description**
1.	Nil	Nil

Digitally signed by SHARAD AWADHUTRAO SURJUSE
Date: 2026.06.01 17:15:04 +0530

Dated :01/06/2026. (S. A. Surjuse)
Deoni. Judicial Magistrate First Class,
Deoni.

CERTIFICATE

I affirm that the contents of this PDF file Order/judgment are same, word to word, as per the original order/judgment.

Name of Stenographer	:	Shri. M.N. Yenge
Name of the Court	:	Shri. S.A. Surjuse, J.M.F.C. Deoni, Dist. Latur.