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Exh 15

**IN THE
COURT OF SESSION
SESSIONS DIVISION, SINDHUDURG
AT: OROS**

[Presided over by Dr Sudhiir M Deshpande]
SESSIONS JUDGE, SINDHUDURG.

Criminal Revision Application No. 8 of 2022
(CNR MHSIo10001902022)

Uma Mahesh Newalkar
Nee Tejashri Vishwanath Acharekar
Age: 41 yrs., Occu.: Business
R/o Shivajinagar Kudal,
Tal. Kudal, Dist. Sindhudurg

Applicant
(Original
Complainant)

Versus

1. Bharati Satyawar Dhuri
Sarpanch, Grampanchayat Medha
Age: 45 yrs., Occu.: Housewife
2. Ajit Gangaram Khavnekar
Up-Sarpanch, Grampanchayat Medha
Age: 48 yrs., Occu.: Business
3. Rajani R Temkar
Gramsevak, Grampanchayat Medha
Age: 41 yrs., Occu.: Service
4. Rajashree Rajan Ranjankar
Member, Grampanchayat Medha
Age: 38 yrs., Occu.: Housewife
5. Nagesh Ravindra Sarang
Member, Grampanchayat Medha
Age: 38 yrs., Occu.: Agriculture and Business

Opponents

6. Trupti Tukaram Kambli
Member, Grampanchayat Medha
Age: 43 yrs., Occu.: Housewife
 7. Virashree Virochan Methar
Member, Grampanchayat Medha
Age: 38 yrs., Occu.: Housewife
 8. Namita Narayan Ghatval
Member, Grampanchayat Medha
Age: 35 yrs., Occu.: Housewife
Sr. No. 1 to 8
R/o Niwati Medha,
Tal. Vengurla, Dist. Sindhudurg
 9. Pravin Sawalaram Rane
Member, Grampanchayat Medha
Age: 43 yrs., Occu.: Agriculture and Business
 10. Mangaldas Krushnaji Tikam
Member, Grampanchayat Medha
Age: 57 yrs., Occu.: Agriculture and Business
Sr. No. 9 and 10
R/o Shreeramwadi,
Tal. Vengurla, Dist. Sindhudurg
- Opponents

Appearance:

Mr T A Dhuri, Ld advocate for the applicant
Opponents No. 1 to 10: In-person

JUDGMENT

(Declared on 12th day of March 2026)

The present Revision Application is filed against the order dated 01.02.2022 passed by the learned Judicial Magistrate First Class, Vengurla in R.C.C. No. 59 of 2019. The applicant had filed a complaint before the Trial Court against the opponents for the offences punishable under Sections 167, 201, 202, 203, 204, 405, 406, 415, 417, 467, 468, 470, 471 and 120B of the Indian Penal Code. The learned Trial Court dismissed the said complaint under Section 203 of the Code of Criminal Procedure.

2] The Trial Court observed that the applicant ought to have obtained prior sanction under Section 197 of the Code of Criminal Procedure before filing the complaint. It was further held that there was a prima facie nexus between the acts complained of and the discharge of official duties. The Trial Court also observed that Section 184 of the Bombay Village Panchayats Act, 1958 provides that every member of the Panchayat and every officer and servant maintained by or employed under the Panchayat shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code. As stated earlier, the learned Trial Court dismissed the said complaint.

3] Aggrieved by the said order, the present revision application is filed by the original applicant.

4] Heard.

5] Mr Dhuri, learned advocate for the applicant, submits that the learned Trial Court erred in not issuing process against the non-applicants, and therefore the present revision application has been filed. He submits that the Trial Court wrongly raised the issue of sanction under Section 197 of the Code of Criminal Procedure. In support of his submissions, he relied upon the decision in **Shantaram Balya Sankhe v. Kaliram Gajanan Sankhe (2000 SCC OnLine Bom 888)**. According to him, the non-applicants are not public servants and therefore sanction under Section 197 of the Code of Criminal Procedure is not required.

6] He further submits that non-applicant No. 1 committed forgery in the outward register. At outward No. 1740, the name of

Madhusudan Ganpat Sarang appears in the register, whereas the corresponding letter dated 14.03.2018 bears the name of Mahalaxmi Beauty Parlour, which belongs to the complainant. A similar discrepancy is noticed in respect of outward No. 1753, wherein the register shows the name of Ramkrishna Shantaram Metar, while the corresponding letter bearing the same number is addressed to the complainant.

7] It is further contended that the non-applicants failed to make payment to the complainant as per the work order and not a single rupee has been paid. According to the applicant, these acts constitute offences such as forgery and criminal breach of trust. Therefore, it is submitted that process ought to have been issued against the non-applicants.

8] None argued on behalf of the opponents No. 1 to 10.

9] After hearing the aforesaid arguments and perusing the documents on record, the following points arise for my determination. I have recorded my findings on these points along with reasons after considering the documents and the submissions made by the parties.

Points	Findings
1. Whether the Trial Court's order of dismissing complaint only for want of CrPC 197 sanction is correct, legal and proper?	Yes
2. Whether the Trial Court conducted any irregular proceedings?	No
3. Whether any of the offences alleged through the complaint are made out against the opponents?	No

4. What order?

The revision
application is
dismissed

REASONS

As to Point No. 1 and 3

10] The scope of the revisional Court is very limited. The revisional jurisdiction can be exercised only when the order passed by the Trial Court is found to be incorrect, illegal, or improper. Such jurisdiction may also be invoked where the Trial Court has committed any material irregularity in the proceedings. A revision, however, is not in the nature of an appeal.

11] It is the case of the applicant that the opponents are not public servants. However, the Trial Court has referred to the provisions of Section 184 of the Bombay Village Panchayats Act, 1958, which provides that members, officers, and servants of the Panchayat are deemed to be public servants.

12] In **Shantaram Balya Sankhe (supra)** it was held that no sanction is required to prosecute Sarpanch, Upa-Sarpanch and other members of the Village Panchayat as they are not employees of the State Government, nor are they removable exclusively by the State Government. They are, therefore, not public servants within the meaning of Section 21 of the Penal Code, 1860 though they are deemed to be public servants by virtue of Section 184 of the Bombay Village Panchayats Act, 1958. No sanction, therefore, was required to launch prosecution against them.

13] If the opponents are not deemed as public servants, by applying the said case law, then the trial Court order needs to be held to be not – correct, legal and proper. Hence, I answer point No. 1 in the affirmative.

14] However, the learned Trial Court has confined its consideration only to the applicability of sanction under Section 197 of the Code of Criminal Procedure. The Trial Court ought also to have examined whether the complaint/application disclosed the commission of any of the offences alleged therein.

15] To avoid multiplicity of proceedings and to render a complete adjudication of the matter, this Court has considered the merits of the allegations in the complaint. If, upon such consideration, it is found that the complaint does not disclose the essential ingredients of the offences alleged, then, even on merits, initiation of criminal proceedings would not be justified.

16] Mr Dhuri has argued before me on the merits of the allegation in the application before the trial Court. He argued the allegations made in the application disclose criminal offences. On this background, I have perused the complaint-application.

17] The applicant has not produced any proper or authenticated copy of the alleged contract or work order to substantiate the claim. Most of the allegations made in the complaint are vague and appear to be based primarily on oral assertions without supporting documentary evidence. Based on the material placed on record, initiation of criminal proceedings would (still) not be appropriate.

18] Further, the complaint does not clearly specify the individual role of each of the opponents. Their respective acts and the manner in which they allegedly participated in the commission of the alleged offences have not been explained. The element of complicity of each opponent is therefore not clearly established.

19] The applicant has also referred to certain discrepancies in the outward register and the corresponding letters. However, it is not explained how the alleged incorrect entries in the outward register or the difference in the names appearing in the register and the letters constitute any criminal offence. It is also not demonstrated how such discrepancies have caused any prejudice or loss to the applicant.

20] In the absence of specific allegations, supporting documents, and a clear explanation of the criminal intent or involvement of the opponents, the complaint does not disclose sufficient grounds to initiate criminal prosecution. Criminal law cannot be set in motion on the basis of vague, general, and unsupported allegations. Therefore, in the present factual background, initiation of criminal proceedings against the opponents would not be justified.

21] Failure to make payment to the complainant as per the work order, by itself, does not constitute offences such as forgery or criminal breach of trust. Non-payment of contractual dues may give rise to a civil dispute for recovery of money, but it does not automatically attract criminal liability.

22] For an offence of forgery under Sections 463, 467 or 468 of the Indian Penal Code, it must be shown that a false document was made with the intention to cause damage or injury or to support a false claim. Mere non-payment under a work order does not involve the creation of any false document and therefore does not satisfy the essential ingredients of forgery.

23] Similarly, for the offence of criminal breach of trust under Sections 405 and 406 of the Indian Penal Code, it must be established that property was entrusted to the accused and that the accused dishonestly misappropriated or converted that property for their own use. In the present circumstances, the complaint does not indicate that any property or money belonging to the complainant was entrusted to the opponents and thereafter dishonestly misappropriated by them. The allegation is only that payment due under the work order was not made.

24] Therefore, mere failure or refusal to pay the amount claimed under the work order, without any specific allegation of entrustment, dishonest misappropriation, or fabrication of documents, would at best give rise to a civil dispute for recovery of money. It would not, by itself, constitute offences such as forgery or criminal breach of trust so as to justify initiation of criminal proceedings.

25] Even if taken as true, the dispute between the parties essentially arises out of alleged non-payment under a work order, which is a matter of civil liability. The allegations in the complaint do not disclose the essential ingredients of the criminal offences alleged. It appears that a civil dispute is sought to be given the

colour of a criminal offence. Such practice deserves to be deprecated, as criminal law cannot be used as a tool to exert pressure in matters which are essentially civil in nature. However, the learned Trial Court has confined its consideration only to the applicability of sanction under Section 197 of the Code of Criminal Procedure. It is found that the complaint does not disclose the essential ingredients of the offences alleged. Therefore, even on merits, initiation of criminal proceedings would not be justified.

26] Hence, I answer Point No. 3 in the negative.

As to Point No. 2

27] There is no allegation in the present application that the Trial Court conducted any irregular proceeding. I have perused the record of the proceedings. The Trial Court has duly followed the stages prescribed under the Code of Criminal Procedure. Therefore, it cannot be said that the Trial Court conducted any irregular proceeding. Hence, I answer Point No. 2 in the negative.

As to Point No. 4

28] Upon cumulative consideration of the aforesaid discussion, this Court is of the opinion that the learned Trial Court has rightly dismissed the complaint in the absence of sanction under Section 197 of the Code of Criminal Procedure. The impugned order does not suffer from any illegality, impropriety, or material irregularity warranting interference in revisional jurisdiction. Hence, the revision application is devoid of merit and deserves to be dismissed.

ORDER

1. The revision application is dismissed.
2. Send the record of the proceeding to the Trial Court forthwith.
3. The revision application is disposed of with this order. No order as to costs.

Sd/-
(Dr Sudhiir M Deshpande)
Sessions Judge
Sindhudurg-Oros

All concerned to act upon digitally signed uploaded copy of this order, the printout of which can be verified from the official website of this court. In this regard attention of all concerned is invited to the authority of the Hon'ble High Court of Bombay (Bench at Aurangabad) **Shital Krushna Dhake v. Krushna Dhake**, MANU/MH0285/2018.

Certificate

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

Name of the affirming : Mr K N Asayekar
Steno Stenographer Grade-III

Date of pronouncement : 12.03.2026

Signed by the Presiding : 13.03.2026
Officer on

Uploaded on : 13.03.2026