



2026:CGHC:3847

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRR No. 332 of 2023**

1. Sanat Kumar S/o Punaram Nirmalkar Aged About 41 Years Occupation Labour, R/o Village Khati, Post Kaaresara, P.S. Thankhamariya, District Bemetara (C.G.)
2. Mahesh Kumar Dhruw S/o Anjoriram Aged About 34 Years Occupation Agriculture, R/o Village Ankola, P.S. Thankhamariya, District Bemetara (C.G.)
3. Shilalram S/o Girwar Sahu Aged About 36 Years Occupation Labour, R/o Village Khati, P.S. Thankhamariya, District Bemetara (C.G.)
4. Rishabh Kumar S/o Tulshiram Nirmalkar Aged About 45 Years Occupation Labour, R/o Village Chilfi, P.S. Dadhi, District Bemetara (C.G.)
5. Ku. Bhuvneshwari Verma D/o Ayodhya Prasad Verma Aged About 33 Years Occupation House Wife, R/o Village Kodwa, Post Madhi, District Raipur (C.G.)
6. Asha Kurre D/o Parmeshwar Kurre Aged About 33 Years Occupation Agriculture Labour, R/o Village Patna Kapa, Post Sambalpur, P.S. Nandghat, District Bemetara (C.G.)
7. Alka Pandey (Tiwari) D/o Shesh Narayan Pandey Aged About 32 Years Occupation House Wife R/o Nayapara Ward No. 16, Near Durga Mandir, Bemetara, District Bemetara (C.G.)
8. Smt. Sunita Nishad W/o Gajanand Nishad Aged About 38 Years Occupation House Wife R/o Rajhara, Nehru Park 56 Unit, Quarter, P.S. Rajhara, District Balod, C.G., Presently R/o Village Gangoripaar, P.S. And Tehsil Gurur, District Balod (C.G.)

9. Rohit Kumar Kashyap D/o Ishwar Kashyap Aged About 33 Years Occupation Agriculture, R/o Village Mohtara, Post Khandsara, Tehsil, P.S. And District Bemetara (C.G.)
10. Manoharlal Dhalendra S/o Jeluram Dhalendra Aged About 39 Years Occupation Agriculture, R/o Village Ghangout, P.S. And District Balod, Presently R/o Village Bangaon, Tehsil Dondi Lohara, P.S. And District Balod (C.G.)
11. Dhanabai Nagendra D/o Ganeshram Nagendra Aged About 37 Years Occupation House Wife, R/o Village Randih, P.S. Arjunda, District Balod, Presently R/o Village Dondi Lohara, District Balod (C.G.)
12. Madanlal Sahu S/o Dukalharam Sahu Aged About 41 Years Occupation Agriculture, R/o Village Baiharsari, Post Chirha, Tehsil And District Balod (C.G.)
13. Bhuwal Singh Sidar S/o Late Shankar Sai Sidar Aged About 56 Years Occupation Joint Commissioner (Devp.), R/o Village Simga, P.S. Palan, District Korba (C.G.), Present Address Deputy Commissioner, Bastar Division, Jagdalpur (C.G.)
14. Devadas Chaturvedi S/o Paklu Chaturvedi Aged About 45 Years Occupation Business And Agriculture, R/o Village Mehna, Post Sambalpur, Tehsil Nawagarh, District Bemetara (C.G.)
15. Tikaram Soni S/o Late Dheluram Soni Aged About 52 Years R/o Village Mehna, Post Sambalpur, Tehsil Nawagarh, District Bemetara (C.G.)
16. Lateldas Banjare S/o Late Gwaldas Banjare Aged About 64 Years Occupation Retired Assistant Director (D.E.O.) Education Department, Bemetara, R/o Tillkapara, Nawagarh, District Bemetara, C.G., Presently R/o Village Murkuta, Post Hardi, Tehsil And P.S. Nawagarh, District Bemetara (C.G.)
17. Lalit Kumar Sahu S/o Domaar Sahu Aged About 34 Years Occupation Agriculture, R/o Village Nawagaonkala, Post Tipni, Tehsil Thankhamariya, Block Saja, District Bemetara (C.G.)
18. Upendra Kumar Sharma S/o Late Tikaram Sharma Aged About 64 Years Occupation Retired Assistant Internal Accounts Training And Taxation Officer, R/o Nayapara, Ward No. 17, Bemetara, District Bemetara (C.G.)

19. Lekhram Sahu S/o Late Shri Shankar Lal Sahu Aged About 55 Years
Occupation Agriculture Work, R/o Village Malda, P.S. Nandghat, Tehsil Nawagarh, District Bemetara (C.G.)
20. Mohanlal Nishad S/o Shri Gosairam Nishad Aged About 59 Years
Occupation Upper Division Clerk Cum Accountant, Janpad Panchayat Dondi, District Balod, C.G. Presently R/o Village And Post Dhaneli, Tehsil Gurur, District Balod (C.G.)
21. Smt. Swati Rajput D/o Ramkumar Rajpur Aged About 31 Years
Occupation House Wife, R/o Village Bija, P.S. Saja, District Bemetara, C.G., Presently R/o Kohkabod, Post Deurgaon, Tehsil Saja, District Bemetara (C.G.)
22. Smt. Neeru Singh W/o Shri Ajeet Singh Aged About 59 Years
Occupation Government Service (Project Officer, Women And Child Development), R/o M.I.G./378, Aditya Nagar, Durg, District Durg (C.G.)
23. Bisouharam Sahu S/o Gokul Sahu Aged About 70 Years Occupation
Agriculture, R/o Narayanpur, P.S. Nandghat, District Bemetara (C.G.)
24. Bhuvneshwar S/o Ramgopal Aged About 45 Years Occupation None,
R/o Village Ghoreghat, Post Dadhi, Tehsil And District Bemetara (C.G.)
25. Taneshwar Deshmukh S/o Goverdhan Deshmukh Aged About 45 Years
Occupation Labour, R/o Village Bhatgaon, P.S. Jevra Sirsa, Tehsil And District Durg (C.G.)
26. Smt. Basant Gatre W/o Rajendra Gatre Aged About 40 Years
Occupation House Wife, R/o Village Baghuli, Post Nawagarh, District Bemetara (C.G.)
27. Premkishan Sahu S/o Gangaram Sahu Aged About 39 Years
Occupation Agriculture, R/o Village Singarpur, P.S. And Tehsil Dongargaon, District Rajnandgaon (C.G.)
28. Ganeshram Sahu S/o Budhram Sahu Aged About 45 Years Occupation
Agriculture Labour, R/o Village Keshla, Post Amodi, P.S. And Tehsil Arang, District Raipur (C.G.)
29. Chandirka Bai Sahu W/o Murari Sahu Aged About 53 Years Occupation
Agriculture Work, R/o Village Murta, P.S. Nawagarh, District Bemetara (C.G.)

30. Tiku Nishad S/o Rameshwar Nishad Aged About 58 Years Occupation Agriculture Work, R/o Village Ghatholi, Tehsil And P.S. Nawagarh, District Bemetara (C.G.)
31. Rajendra Sahu S/o Hariram Sahu Aged About 42 Years, Occupation – Agriculture. R/o Village Sanjari, Nawagaon, P.S. Simga, District Balodabazar (C.G.)

... Applicants

versus

State of Chhattisgarh Through District Magistrate, Bemetara, District Bemetara (C.G.)

--- Respondent

CRR No. 333 of 2023

1. Laleshwar Prasad S/o. Chrounjilai Sahu, Aged About 32 Years, Occupation - None R/o. Village Chediya, Post - Tarri, Block And P.S. Gurur, District Balod Chhattisgarh
2. Padmini Sahu, D/o. Jeevrakhan Lal Sahu, (W/o. Kamta Prasadd), Aged About 42 Years, Occupation - House Wife, R/o. Village Khundani, P.S.- Kanwar, Tehsil-Gurur, District - Balod, Chhattisgarh
3. Smt. Manjusha Nishad, W/o. Harish Chandra Nishad, Aged About 36 Years Occupation - None, R/o. Village Newari Kala, P.S. And District - Balod, Chhattisgarh Presently R/o. Ward No. 18, Purana Bazar Dallirajhara, Thana Dallirajhara District Balod, Chhattisgarh
4. Smt. Padma Thakur, W/o. Virendra Kumar, Aged About 46 Years, Occupation – House Wife, R/o. Village - Ghoghopuri, P.S. And Tehsil - Gurur, District Balod Chhattisgarh
5. Vinod Kumar Sahu, S/o. Yuvraj Sahu, Aged About 28 Years Occupation - Labour, R/o. Village - Diyabati, P.S. Gurur, District - Balod Chhattisgarh
6. Ramkumar Sahu, S/o. Shivraj Ram Sahu, Aged About 35 Years Occupation - Agriculture, R/o. Village - Parsahi, P.S. And Distirct - Balod Chhattisgarh
7. Lakhanlal Verma, S/o. Julpavaram Verma, Aged About 42 Years Occupation - Labour, R/o. Village And Post-Jara, P.S. -Palari, District - Baloda Bazar Chhattisgarh

8. Dayaluram Pal, S/o. Lalaram Pal, Aged About 37 Years Occupation - Agriculture Labour, R/o. Village And Post-Suhela, District - Bhatapara Balodabazar Chhattisgarh
9. Yashwant Kumar Sahu, S/o. Bipatram Sahu, Aged About 41 Years Occupation - Labour, R/o. Village- Koliha, Tehsil - Simga, P.S. - Bhatapara District - Baloda Bazar Chhattisgarh
10. Tirithram Sahu, S/o. Arjunlal Sahu, Aged About 35 Years Occupation - Agriculture, R/o. Village Dhaneli, P.S. - Bhatapara, District Baloda Bazar Chhattisgarh
11. Smt. Madhuri Thakur, W/o. Toran Singh Thakur, Aged About 49 Years Occupation - House Wife, R/o. Village - Bhatapara City, P.S. And Tehsil- Bhatapara District Baloda Bazar, Chhattisgarh
12. Omprakash Verma, S/o. J.R. Verma, Aged About 38 Years Occupation - Labour, R/o. Village And Post - Mohra, P.S. Suhela, District - Raipur Chhattisgarh
13. Harish Jangde, S/o. Mayaram Jangde, Aged About 38 Years Occupation - Service, R/o. Village Bangoli, P.S. - Khrora, Tehsil - Tilda, District - Raipur, Chhattisgarh
14. Sunil Kumar, S/o. Raghunandan Prasad Sahu, Aged About 32 Years Occupation - Agriculture, R/o. Village- Dhabadih, P.S. - Bhatapara, District - Baloda Bazar Chhattisgarh
15. Bhuneshwar Singh, S/o. Lakhan Lal Dhalendra, Aged About 38 Years Occupation - Labour, R/o. Village- Atargaon, Tehsil - Dondhi Lohara, P.S. - Devri, District Balod Chhattisgarh
16. Pannalal Mandavi, S/o. Bahur Singh Mandavi, Aged About 40 Years Occupation - Labour, R/o. Village Atargaon, PS.- Devri, Tehsil - Dondi Lohara, District - Balod Chhattisgarh
17. Muleshwar Sahu, S/o. Pyarilal Sahu, Aged About 43 Years Occupation - Agriculture, R/o. Village Kumhalori, P.S. Dondi Lohara, District Balod Chhattisgarh
18. Smt. Homeshwari Sarva, W/o. Lochan Prasad Sarva, Aged About 36 Years Occupation - House Wife, R/o. Village- Devri, P.S. Arjunda, Tehsil Dondi Lohara District Balod Chhattisgarh

19. Balmukund Halba, S/o. Pitambar Halba, Aged About 39 Years
Occupation - Labour, R/o. Village Kumhalor, P.S. And Tehsil - Dondi
Lohara Distrcet Balod Chhattisgarh
20. Bhuwal Singh Sidar, S/o. Late Shankar Sai Sidar, Aged About 56 Years
Occupation - Joint Commissioner (Devp), R/o. Village Simga, P.S.
Pasan, District Korba Chhattisgarh Present Address - Deputy
Commissioner, Bastar Division, Jagdalpur Chhattisgarh
21. Lateldas Banjare, S/o. Late Gwaldas Banjare, Aged About 64 Years
Occupation - Retired Assistant Director Education Department,
Bemetara, Present Address - Village Murkuta, Post Hardi, Tehsil And
P.S. Nawagarh, District - Bemetara, Chhattisgarh
22. Smt. Neeru Singh, W/o. Shri Ajeet Singh, Aged About 59 Years
Occupation - Government Service (Project Officer, Woman And Child
Development), R/o. M.IG./378, Aditya Nagar, Durg District Durg
Chhattisgarh
23. Upendra Kumar Sharma, S/o. Late Tikaram Sharma, Aged About 64
Years Occupation - Retired Assistant Internet Accounts Training And
Taxation Officer, R/o. Nayapara Ward No. 17, Bemetara, District
Bemetara Chhattisagrh
24. Mohanlal Nishad, S/o. Late Shri Gosairam Nishad, Aged About 57
Years Occupation - Upper Division Clerk Cum Accountant, Janpad
Panchayat - Dondi, District Balod Presently R/o. Village And Post -
Dhaneli, Tehsil Gurur, District Balod Chhattisgarh
25. Lekhram Sahu, S/o. Late Shri Shankar Lal Sahu, Aged About 55 Years
Occupation - Agriculture Work, R/o. Village Malda, Tehsil Nawagarh,
P.S Nandghat, District Bemetara, Chhatisgarh
26. Devadas Chaturvedi, S/o. Paklu Chaturvedi, Aged About 45 Years
Occupation - Agriculture, R/o. Village - Cherkapur, Post And P.S. -
Nawagarh, District Bemetara Chhattisgarh
27. Bisouharam Sahu, S/o. Gokul Sahu, Aged About 70 Years Occupation -
Agriculture, R/o. Narayanpur, P.S. Nandghat, District Bemetara
Chhattisgarh
28. Tikaram Soni, S/o. Late Dheluram Soni, Aged About 52 Years
Occupation - Sunari, R/o. Village Mehna, Post Sambalpur Tehsil
Nawagarh, District Raipur Chhattisgarh

29. Chandirka Bai Sahu, W/o. Murari Sahu, Aged About 53 Years
Occupation - Agriculture Work, R/o. Village Murta, P.S. Nawagarh,
District Bemetara Chhattisgarh
30. Tiku Nishad, S/o. Rameshwar Nishad, Aged About 58 Years
Occupation - Agriculture Work, R/o. Village- Ghatholi, Tehsil And P.S.
Nawagarh District Bemetara Chhattisgarh
31. Kirshna Manikpuri, W/o. Ishwar Das, Aged About 37 Years Occupation -
House Wife, R/o. Village Rohansi, Tehsil Palari, District Baloda Bazar
Bhatapara Chhattisgarh

--- Applicants

Versus

State of Chhattisgarh Through District Magistrate, Bemetara, District
Bemetara Chhattisgarh

--- Respondent

For Applicants	: Mr. Kishore Bhaduri, Senior Advocate assisted by Mr. Pawan Shrivastava and Mr. Harsh Dave, Advocates.
For Respondent/State	: Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

22.01.2026

1. This revision petition under Sections 397/401 of the Code of Criminal Procedure, 1973 in CRR No. 332 of 2025, has been filed against the order dated 20.03.2023 passed by the learned 1st Additional Sessions Judge, District Bemetara (C.G.) in Criminal Appeal No. 41/2020, whereby the appeal preferred by the respondent was allowed and the order dated 28.02.2020 passed by the learned Chief Judicial Magistrate, District Bemetara in Criminal Case No. 36/2012 was set aside. By the said order dated 28.02.2020, the applicants had been acquitted of the charges under Sections 420, 467, 468 read with Section 34 and Section

471 of the Indian Penal Code. The learned appellate Court remanded the matter to the trial Court with a direction to provide proper opportunity to the prosecution to produce its documents and evidence, after affording due opportunity of hearing to the parties, and to decide the case afresh in accordance with law.

- 2.** This revision petition under Sections 397/401 of the Code of Criminal Procedure, 1973 in CRR No. 333 of 2025, has been filed against the order dated 20.03.2023 passed by the learned 1st Additional Sessions Judge, District Bemetara (C.G.) in Criminal Appeal No. 42/2020, whereby the appeal preferred by the respondent was allowed and the order dated 28.02.2020 passed by the learned Chief Judicial Magistrate, District Bemetara in Criminal Case No. 38/2012 was set aside. By the said order dated 28.02.2020, the applicants had been acquitted of the charges under Sections 420, 467, 468 read with Section 34 and Section 471 of the Indian Penal Code. The learned appellate Court remanded the matter to the trial Court with a direction to provide proper opportunity to the prosecution to produce its documents and evidence, after affording due opportunity of hearing to the parties, and to decide the case afresh in accordance with law.
- 3.** Since both the revision petitions arise out of identical facts, involve the same question of law, challenge similar appellate orders dated 20.03.2023, and pertain to acquittal orders passed on the same date by the same trial Court in connected criminal cases, they are being heard together and are proposed to be decided by this common order.
- 4.** For the sake of convenience and to avoid repetition of facts, CRR No. 332 of 2025 is treated as the lead case, and the facts of the said case are being referred to for deciding both the revisions, as the cause of

action and issues involved in both matters are substantially the same.

5. Facts of the case, in brief, that the brief facts of the case are that on 12.09.2008, the complainant, namely the Chief Executive Officer, Janpad Panchayat, Nawagarh, lodged a written report stating that in Janpad Panchayat, Nawagarh, recruitment for the post of Shiksha Karmi, Grade-III was conducted during the academic session 2006-07. After completion of the recruitment process, complaints were received alleging that certain selected candidates had obtained appointment on the basis of forged mark-sheets/certificates. Pursuant to the said complaint, an inquiry was conducted on the directions of the Collector, Bemetara. On the basis of the written complaint, Crime No. 180/2008 was registered at Police Station Nawagarh, for offences punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code. During the course of investigation, the present applicants and other co-accused persons were arrested, and thereafter, a charge-sheet was filed against them. Subsequently, charges were framed under Sections 420, 467, 468 read with Section 34, and 471 of the IPC.
6. During the course of trial, the prosecution examined its witnesses, documents were exhibited, and the statements of the accused persons under Section 313 of Cr.P.C. were recorded, wherein they denied the allegations levelled against them. It is pertinent to mention that after completion of the prosecution evidence, and during the course of recording the statement of the applicants/accused on 29.09.2019, the prosecution moved an application under Section 242(2) of Cr.P.C. seeking summoning of the inquiry report of the Inquiry Committee, which was dismissed by the learned trial Court vide order dated 04.11.2019. The said order was not challenged by the prosecution before any Court of law.

7. Thereafter, again on 04.01.2020, the prosecution moved an application under Section 91 of Cr.P.C. seeking summoning and examination of one O.P. Choudhari, along with the inquiry report, as a prosecution witness, which was also dismissed by the learned trial Court. The said order was also not challenged by the prosecution before any Court of law. Thereafter, on the basis of the material and evidence available on record, the learned trial Court held that the charges levelled against the applicants and other co-accused were not proved, and accordingly, they were acquitted of the offences alleged vide judgment dated 28.02.2020.
8. Being aggrieved by the judgment dated 28.02.2020, the prosecution/State preferred a criminal appeal, which was registered as Criminal Appeal No. 41/2020. However, instead of deciding the appeal on merits, the learned Appellate Court observed that the Inquiry Officer/Member of the Inquiry Committee was not examined and the inquiry report was not brought on record. The learned Appellate Court further held that although an application was moved by the prosecution for the same, it was also the duty of the Court to summon the witness and record his evidence. Accordingly, the judgment of acquittal passed in favour of the applicants and other co-accused was set aside, and the matter was remanded back to the trial Court with a direction to provide proper opportunity to the prosecution to produce its documents and evidence, after granting due opportunity of hearing to the opposite parties. The parties were directed to appear before the trial Court on 25.03.2023 for further proceedings.
9. In compliance with the order dated 20.03.2023, the applicants appeared before the learned trial Court, where further proceedings were initiated as per the directions issued by the learned appellate Court.
10. Mr. Bhaduri, learned Senior Advocate, appearing for the applicants

submits that the impugned order passed by the learned appellate Court is arbitrary, illegal, erroneous, contrary to law, and therefore, liable to be set aside. The provisions relating to taking additional evidence at the appellate stage are contained in Chapter XXIX, particularly Sections 386 and 391 of the Code of Criminal Procedure. However, in the present case, the said powers have been exercised mechanically and erroneously, without appreciating the facts and circumstances of the case. It is argued that the powers under Sections 386 and 391 Cr.P.C. are required to be exercised only in exceptional circumstances and not for the purpose of permitting the prosecution to fill up lacunae in its case. The learned Appellate Court failed to consider that the charge-sheet was filed by the Investigating Officer with the consent and satisfaction of the Prosecuting Agency, yet the alleged inquiry report prepared by the Inquiry Committee was never filed along with the charge-sheet. It is also argued that for the first time, on 29.09.2019, the prosecution sought to bring the inquiry report on record when the matter was already fixed for recording the statement of the accused. This clearly demonstrates that after examining all prosecution witnesses and finding no material against the applicants, the prosecution attempted to introduce new evidence to create a case against the applicants, which is impermissible in criminal jurisprudence.

11. Mr. Bhaduri further argued that the prosecution had sufficient time and ample opportunity during the trial to produce documents and examine witnesses, but failed to do so. The learned Appellate Court also failed to consider that the FIR was registered on 12.09.2008, and after completion of investigation, the charge-sheet was prepared in January, 2010 and filed in July, 2012. Despite this, the prosecution moved applications under Section 242(2) Cr.P.C. and Section 91 Cr.P.C. only

on 29.09.2019 and 04.01.2020, i.e., after a lapse of more than 10 years, and that too at the concluding stage of the trial when the matter was fixed for recording statements under Section 313 Cr.P.C. The said applications were filed with the clear intention to delay the proceedings and to introduce evidence at the fag end of trial, which is not permissible. The learned trial Court rightly rejected both applications, and since those orders were never challenged by the prosecution before any higher Court, they attained finality. Therefore, the learned appellate Court could not have indirectly permitted the same relief in appeal. It also submitted that while passing the impugned order, the learned appellate Court did not record any specific finding as to how the non-examination of the Inquiry Officer or non-production of the inquiry report was fatal to the prosecution case, especially when the learned trial Court had decided the matter on the basis of the evidence available on record and had acquitted the applicants. Hence, the learned Lower Appellate Court ought to have decided the appeal on merits instead of remanding the matter.

- 12.** Mr. Bhaduri also submits that even assuming (without admitting) that examination of the Inquiry Officer was necessary, the learned appellate Court could have either examined the witness itself or directed the trial Court to record the evidence of the Inquiry Officer and transmit the same to the appellate Court for proper adjudication of the appeal. However, instead of adopting such course, the learned appellate Court set aside the entire judgment and remanded the case with further liberty to the prosecution to examine other witnesses as well. This clearly amounts to granting the prosecution an opportunity to fill up lacunae by leading additional evidence, despite the fact that it had ample opportunity during trial, which cannot be permitted at this belated stage. It is further

submitted that once the learned trial Court had acquitted the applicants and other co-accused, the learned Appellate Court ought not to have directed a remand resulting in the applicants being compelled to face trial once again for the same alleged offence. Such remand virtually amounts to a retrial, causing serious prejudice to the applicants. The learned appellate Court ought to have decided the appeal on merits instead of remanding the case. Moreover, even in cases where additional evidence is permitted under Section 391 Cr.P.C., setting aside the entire judgment of acquittal and ordering remand is erroneous, illegal, and contrary to the settled principles of law laid down by various Courts. He contended that it is a settled principle that a retrial should not be ordered merely because the prosecution failed to produce evidence properly, or because it later realized that certain documents/witnesses were not brought on record. A remand cannot be granted to provide a fresh opportunity to the prosecution to improve its case or cure defects in the prosecution evidence. To buttress his submissions, reliance has been placed upon the dictum rendered by Hon'ble Supreme Court in the matter of ***Sheila Sebastian v. R. Jawaharaj and Another*** reported in ***(2018) 7 SCC 581:-***

“Charge of forgery cannot be imposed on/sustained against a person who is not the maker of false document in question - Making of a document is different than causing it to be made - As Expln. 2 to S. 464 further clarifies, for constituting offence under S. 464, it is imperative that a false document is made and accused person is maker of the same, otherwise accused person is not liable for offence of forgery.”

13. On the other hand, learned State has opposed the prayer made by learned counsel appearing for the applicants and submitted that the

learned appellate Court has rightly been remanded back the appeal vide order dated 20.03.2023 in Criminal Appeal No. 41/2020, in which no interference is called for.

14. I have heard learned counsel for the parties and perused the material available on record.
15. From perusal of the order passed by the trial Court vide order dated 28.02.2020, it apparent that the ground for acquittal of the accused persons is that the Investigating Officer neither recorded the statement of the Inquiry Officer nor seized/collected the inquiry report. This conclusion is contrary to the settled principles of law and therefore deserves to be set aside, because during the course of trial, prior to the pronouncement of judgment, the prosecution had filed a proper application for summoning the inquiry report under Sections 91 and 242(2) of the Code of Criminal Procedure, and also filed a duly supported application under Section 311 Cr.P.C. for summoning the Inquiry Officer as a witness for the purpose of recording evidence. However, the Trial Court dismissed the said applications filed by the prosecution. The appellant/prosecution has also preferred the appeal on the ground that the powers vested under the Code of Criminal Procedure ought to have been exercised for summoning the inquiry report and for examining the Inquiry Officer as a prosecution witness.
16. In an appeal preferred by respondent/State before the First Additional Sessions Judge, Bemetara, the appellate Court vide it's order dated 20.03.2023, held that the trial Court's approach was legally unsustainable, as it had, by order dated 04.11.2019, dismissed the prosecution's application under Sections 242(2) and 91 Cr.P.C. seeking summoning of the Collector's inquiry report on the basis of which the FIR was registered, solely on the ground that the case was more than five

years old and required expeditious disposal, yet subsequently, in its judgment dated 28.02.2020, acquitted the accused on the ground that the documents had not been verified from the concerned department by the Investigating Officer. This contradictory approach denied the prosecution the opportunity to produce vital evidence and then relied upon its absence to record acquittal. The trial Court further failed to consider that the impugned documents had been submitted by the accused themselves along with their applications before the Janpad Panchayat, Nawagarh, for securing government employment, including educational certificates, mark-sheets, experience certificates, sports/Scout-Guide certificates, and B.Ed./D.Ed. documents, giving rise to a prima facie presumption that if such documents were forged, they were knowingly used as genuine to obtain wrongful benefit. The finding that the prosecution failed to prove who prepared the forged documents is contrary to settled principles, as culpability arises from the conscious use of forged documents for personal gain. In a criminal trial, the duty of the Court is to discover the truth by permitting necessary evidence, which the trial Court failed to do, resulting in findings recorded without proper appreciation of documentary and oral evidence. The acquittal dated 28.02.2020 was therefore vitiated, and the appellate court rightly set it aside, remanding the matter with directions to permit summoning of relevant documents, allow both parties to lead evidence, and decide the case afresh in accordance with law expeditiously considering the pendency of the case since 17.07.2012.

17. In view of the aforesaid facts and the material on record, this Court finds no perversity, illegality, or jurisdictional error in the order dated 20.03.2023 passed by the appellate Court remanding the matter to the trial Court for fresh adjudication. The reliance placed by the applicants

on the judgment of the Hon'ble Supreme Court in ***Sheila Sebastian (Supra)*** is misconceived at this stage, as the present matter does not concern recording of a finding of guilt for the offence of forgery, but relates to the propriety of the trial Court's approach in denying the prosecution an opportunity to summon crucial documentary evidence and examine material witnesses, and thereafter basing the acquittal on the absence of such evidence. The appellate Court has merely restored the opportunity to both parties to lead evidence so that the case may be decided on its merits after proper appreciation of relevant material, without expressing any conclusive opinion on the culpability of the accused. Such an order, aimed at ensuring a fair trial and discovery of truth, calls for no interference in revisional jurisdiction.

18. Accordingly, both the criminal revisions (CRR No. 332 of 2023 and CRR No. 333 of 2023) being devoid of merit, are liable to be and are hereby **dismissed**.
19. However, concerned trial Court is directed to expedite the trial and conclude the same as early as possible preferably within a period of 1 year from the date of receipt of a copy of this order

Sd/-
(Ramesh Sinha)
Chief Justice