

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 1659/2025

Bhagwati Lal Sharma S/o Late Punamchand Sharma, Aged About
65 Years, R/o House No. 4, Near Emmanuel Mission School,
Naya Gaon Road, District Pali, (Raj).

-----Petitioner

Versus

Central Bureau Of Investigation, Jodhpur, Through Public
Prosecutor

-----Respondent

Connected With

S.B. Criminal Revision Petition No. 37/2026

Pushkar Das Vaishnav S/o Late Premdas Vaishnav, Aged About
32 Years, Gramin Dak Sevak, Housing Board Sub Post Office,
Pali, R /o House No. 370, Mahatma Gandhi Colony, District Pali,
Rajasthan

-----Petitioner

Versus

C.B.I., Through Public Prosecutor

-----Respondent

For Petitioner(s)	:	Mr. Devansh Thanvi Ms. Pragya Thanvi Ms. Urmila Chauhan
For Respondent(s)	:	Mr. P.C. Solanki, SPP Mr. Sriram Choudhary, Public Prosecutor

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

27/03/2026

1. On the request and with the consent of the learned counsel
appearing on behalf of both the parties, the matter is taken up for
final disposal at the admission stage.

2. The present criminal revisions have been preferred against the order dated 06.11.2025 passed by the learned Special Judge, CBI Cases, Jodhpur Metro, Jodhpur, in Criminal Sessions Case No. 08/2025, whereby charges were framed against the accused-petitioners under Section 120-B read with Sections 201, 409, 465, 468 & 477-A of the IPC & Section 13(2) read with Section 13(1) (A) of the Prevention of Corruption Act, 1988 (as amended in the year 2018).

3. Learned counsel appearing on behalf of the accused-petitioners submit that the entire charges are framed based on insufficient evidence and that certain documents were sent to the FSL to determine the aspect of forgery; further, before such FSL report was received, the charges had been framed. Learned counsel further submits that the material upon which the charges have been based lacks sufficiency so as to prove the allegations against the accused-petitioners, therefore, the present criminal revision petitions have been filed.

4. Learned counsel appearing on behalf of the respondent-Central Bureau of Investigation (CBI) submits that there is ample evidence in the form of documents and oral evidence to show that these accused-petitioners were working during the relevant time in the post of Sub-Postmaster in the Post Office, Pali, and they allegedly collected deposits from 26 customers; instead of making real-time data entry with regard to the collection of deposits, they issued forged passbooks by creating special files on the computer without entering the real-time data in the actual software, and by issuing such passbooks, they have allegedly misappropriated an amount of Rs. 67,65,000/-. It is also his submission that the FSL

report would be received by the time the trial commences, and the same would be introduced as and when the other witnesses are examined relating to the FSL report; even assuming that the FSL report has not been produced, the accused-petitioners can take advantage thereof, but on that ground, they cannot claim that the charges are unsustainable.

5. Having considered the arguments of learned counsel appearing on behalf of both parties and on perusing the impugned order of charges, the learned Special Judge has dealt with the various material which is available against the present accused-petitioners which are the basis of criminal charges. As seen from the charge-sheet and the statements of the witnesses and material collected during the investigation, it is made clear that they constitute a *prima facie* case for charges to the effect that these accused-petitioners, while working in the said Post Office in the post of Sub-Postmaster and as temporary employees, allegedly collected amounts from various customers for deposits and issued manual passbooks as if they were issuing them with proper authority by entering real-time data in the software maintained by them; the material further shows that the amounts were not deposited in the Post Office and the data was also not entered in the real-time software maintained in the office. However, instead of making entries in the real-time software, they created new files on the computer and manually entered the data to project that the data was really entered into the software and that they were clearly crediting the amount collected in the Post Office.

6. The aforesaid material and oral evidence are sufficient enough to frame the charges. If the aforesaid report is received and introduced in the trial, that could be one of the additional corroborative pieces of evidence so as to prove the case of the prosecution. It is for the prosecution whether to rely or not to rely on the FSL report. If the FSL report is not produced by the end of the trial, the accused-petitioners are entitled to take advantage of the same. Non-production of the FSL report cannot be a ground to challenge the framing of charges. For the framing of charges, if the materials which are available before this Court make out a *prima facie* case, the same is enough to proceed. In the present case, such material was there and the same was adverted to by the concerned Special Judge while hearing and framing the charges. So far as the contention with regard to the insufficiency of the evidence is concerned, insufficiency cannot be a ground to quash the charges. Insufficiency is a matter of appreciation of evidence during the course of trial, not at the stage of framing of charges; therefore, the present revision petitions are devoid of merit and the same are liable to be dismissed.

7. Accordingly, the present criminal revision petitions are ***dismissed***.

8. All pending application(s), if any, shall also stand disposed of.

(MUNNURI LAXMAN),J