

(2005) 08 MP CK 0092

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 1808 of 2005

A.V. Rao

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision : 25-08-2005

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 30, 467, 468, 471

Citation : (2005) ILR (MP) 1223 : (2006) 1 MPHT 51

Hon'ble Judges : Ajit Singh, J

Bench : Single Bench

Advocate : Surendra Singh, for the Appellant; S.S. Bisen, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Ajit Singh, J.—Heard on admission.

2. This petition, u/s 482 of the Code of Criminal Procedure, 1973, by the accused, is directed for quashing of the charges framed against him under Sections 467, 468 and 471 of the Indian Penal Code by order dated 15-4-2004 passed in Criminal Case No. 380/2004 by the Judicial Magistrate, First Class, Jabalpur.

3. According to the prosecution case in the year 2001 the petitioner was posted as Deputy Registrar (Examination) in the Rani Durgavati Vishwavidyalaya, Jabalpur. One of his functions was to make entries in the tabulation chart/revaluation register. During that period one Amit Kumar Shrivastava was a student of B.Sc. 3rd year. His Roll No. was 17321 for the final examination. In the confidential register maintained by the Vishwavidyalaya, Amit Kumar Shrivastava was declared failed as he was awarded only 309 marks. The petitioner by interpolating in the tabulation chart unlawfully increased the marks of Amit Kumar Shrivastava in different subjects and showed him as having passed in the examination. His total marks were increased from 309 to 349.

4. It is argued on behalf of the petitioner that even on accepting the prosecution case, as the tabulation chart is not a valuable security, no offence u/s 467 of the Indian Penal Code is made out.

5. Section 467 of the Indian Penal Code relates to forgery of valuable security, will, etc. It reads as under :

Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, moveable property, or valuable security, or any document purporting to be an acquaintance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any moveable property or valuable security, shall be punished with (imprisonment for life), or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

6. Valuable security has been defined u/s 30 of the Indian Penal Code and reads as under :

The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

(Emphasis supplied)

7. The entries in the tabulation register against a candidate's name confer upon him a legal right to get a mark sheet in accordance with the entries in the tabulation register and, therefore, the entries in the tabulation register, prima facie, constitute "valuable security" as defined in Section 30 of the Indian Penal Code. For example, if a student has received 50% marks in a subject which is entered in the tabulation register and a mark-sheet is issued to him showing that he received only 40% marks, he can apply even by filing a writ petition to get a mark-sheet in accordance with the entries in the tabulation register. Thus, without finally deciding, I, at this stage of framing of charge, hold that the tabulation register, prima facie, constitute "valuable security" as defined in Section 30 of the Indian Penal Code and a charge u/s 467 of the Indian Penal Code has rightly been framed against the petitioner.

8. On the basis of interpolation made in the tabulation chart, Amit Kumar Shrivastava was issued a mark-sheet unlawfully showing him as passed in Second Division. Amit Kumar Shrivastava used that forged mark-sheet for obtaining admission at Singhad Institute of Management, Pune. On perusal of the charge-sheet, particularly the statements of witnesses Mahesh Datt Sharma, M.K. Rai and Dr. Ravindra Singh Kakodia, I find that there is ample evidence against the petitioner for framing the charges under Sections 468 and 471 of the Indian Penal Code. The impugned order does not suffer from any illegality.

9. The revision has not merit and is accordingly dismissed summarily.