
(2007) 03 JH CK 0068
In the Jharkhand High Court

State of Bihar (now Jharkhand)	Vs	APPELLANT
Mewa Ram Chourasia		RESPONDENT

Date of Decision : 13-03-2007

Acts Referred:

Penal Code, 1860 (IPC) — Section 420, 465, 468, 471

Citation : (2008) 1 JCR 76

Hon'ble Judges : Dhananjay Prasad Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.P. Singh, J.—The present appeal has been preferred by the State of Bihar (now Jharkhand) against the order of acquittal dated 5.1.1999 passed by the learned Judicial Magistrate, 1st Class, Ranchi by which sloe respondent Mewa Ram Chourasia was acquitted of the charge under Sections 420, 465 and 471 of the Indian Penal Code, in G.R. Case No. 1378 of 1985 Tr. No. 800 of 1999.

2. Brief facts leading to this appeal are that respondent Mewa Ram Chourasia had issued a forged and fabricated certificate in favour of one Scholastica Kujur regarding her experience in teaching of particular subject Sanskrit and got herself recommended for the appointed to the post of Reader in Sanskrit. According to prosecution case, the said forged and fabricated certificate has been accepted by the University officials including the Vice-Chancellor and Scholastica Kujur was appointed ignoring the claim of the informant Dr. Shayama Raman Pandey.

3. The written complaint was lodged on 16.5.1985 on the basis of which Kotwali Town P.S. Case No. 320 of 1985 under Sections 420, 465 and 468 of the Indian Penal Code, was registered against Scholastica Kujur and others. The police started investigation and finally submitted charge-sheet against the appellant and said Scholastica Kujur. The learned trial Court framed charges against both of them. Later on, co-accused Scholastica Kujur was discharged as the entire

criminal proceeding was quashed by this Court in Cr. Misc. No. 5629 of 1993. Thereafter, the sole respondent was tried and found not guilty acquitted of the charges.

4. Mr. T.N. Verma, learned A.P.P. for the State submitted that the learned lower Court has not considered the materials on record properly and acquitted the respondent ignoring the material on record.

5. Mr. Arvind Kumar Lall, learned Counsel appearing on behalf of the respondent, submitted that the respondent has already died and result of this appeal would be infructuous. The learned Counsel for the State conceded the fact that the respondent has died. Therefore, the present appeal is also not maintainable on merit.

6. It is admitted case that the beneficiary Scholastica Kujur is not facing trial, who is said to have been appointed as Reader in the Department of Sanskrit on the basis of forged and fabricated certificate issued by the respondent already dead. I have also gone through the evidence on record and I find that no witness could say that the respondent was sole authority or writer of the said certificate alleged to be forged. In this context, the result of the protector litigation regarding appointment of Smt. Scholastic Kujur was taken up to the Apex Court by the informant. The Apex Court has not found it fit to be interfered in the matter in Civil Misc. No. 4 of 1983 of vide order dated 14.12.1983. The purpose of issuing forged and fabricated certificate in favour of co-accused was of no benefit to the respondent.

7. On careful consideration of the materials on record, I also find that the prosecution has not been able to bring home the charges against the respondent. It is further apparent from the records that the incident is of the year 1985. As such, I do not find any merit in the present appeal.

8. In the result, this appeal stands dismissed, but without cost.