

IN THE HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE

(SB: Hon'ble Mr. Justice Alok Verma)

CRR No.658/2015

Umesh Mandloi S/o Gopal Mandloi

Vs.

State of MP

Shri Prateek Maheshwari, learned counsel for the applicant.
Shri Amit Singh Sisodiya, learned counsel for the respondent/State

JUDGMENT

(Delivered on this 16th day of July, 2015)

This Criminal Revision under section 397 of Cr.P.C. is preferred against the order dated 23.05.2015 passed by learned 3rd Additional Sessions Judge, Indore whereby, learned Additional Sessions Judge framed charges under sections 120-B (1), 380 r/w 120-B, 454 r/w 120-B, 467 r/w 120-B and 468 r/w 120-B of IPC.

According to the prosecution story, in this case, present applicant is student of Final Year of MBBS Course in MGM Collage, Indore. He was known to another co-accused Reema Verma. Said Reema Verma was living with another student Ankita Raghuvanshi. These two girls were living in the house in two separate rooms. It is alleged that present applicant was told by

Reema that she failed to qualify in three subjects and, therefore, he suggested that she should apply for revaluation of her answer books. On her request, he contacted the co-accused Nikhil Tiwari, who was working in Devi Ahilya University as daily wages employee and was posted at Central Valuation Center. He was responsible for arranging the answer book properly. It is alleged that present applicant contacted him and with his help, they brought out the answer book of Reema Verma. She changed the internal pages of the answer book and then again with the help of Nikhil Tiwari, the answer book was placed back in the Central Valuation Center with a view to securing more marks in revaluation of answer book.

The matter came in the light when another person, who was known to Ankita Raghuvanshi gave a message on phone to the complainant Dr. Vijay Babu Gupta, who was incharge of the Central Valuation Center. He informed him that internal pages of answer book of Reema Verma were changed. He filed a complaint before Police Station – Bhawarkuan, Indore, which was registered as Crime No.846/2014 under the aforementioned sections and after investigation, charge-sheet was filed against the present applicant.

This revision is filed on the ground that there is no evidence against the present applicant except his own statement to the police which cannot be read against him under section 25 of the Evidence

Act.

Learned counsel for the applicant placed reliance on the judgment of Co-ordinate Bench of this Court in Criminal Revision No.607/2013 (Jabalpur Main Seat) dated 03.09.2015 and also on the judgment of Co-ordinate Bench of this Court in Criminal Revision No.683/2011 (Jabalpur Main Seat) dated 07.01.2015. In these orders, the Court observed that when there is no evidence available against the accused persons, they should immediately be discharged and charges should not be framed against them.

In this case, statement of complainant Vijay Babu Gupta was recorded. The only fact emerging from his statement is that the answer book of Reema Verma was tempered with and the internal pages of answer book was changed and for giving this conclusion, he had given many reasons. Ankit Raghuvanshi is the person, who informed the complainant Vijay Babu Gupta regarding changing in internal pages of answer book of Reema Verma. In his statement, he stated that he is a friend of Ankita Raghuvanshi and he used to visit her room and through her, he came in contact with Reema Verma. According to him, he went to her flat and on the bed of Reema Verma, he found the answer book. He took photograph from his mobile and sent it to Vijay Babu Gupta. However, he did not said a word about involvement of the present applicant in the matter. Salil Tiwari, Jitendra Rathore and Chandrabhan Singh were

all employees of Devi Ahilya University working in the Central Valuation Center. They expressed ignorance as to how, the answer book taken out of the Center. Ankita Raghuvanshi was also examined and in her statement also, she was silent about the role of the present applicant. Similarly, the remaining witnesses Dr. Mashir Ahmad Khan, Professor Pratosh Bansal, Ravi S/o Mohanlal Tiwari and Avadhesh Hardiya also did not support the allegations against the present applicant.

In view of the statement of these witnesses only facts that emerge are that some how the answer book of Reema Verma was brought out of Central Valuation Center, the internal pages were changed and the answer book was redeposited in the Center. Reema Verma, in this case, is yet to be traced. She is stated to be daughter of M.L.A. of Uttar Pradesh and she could be arrested by the police. She being a beneficiary of the whole exercise, can only throw light as to how, her answer book was brought out from the Central Valuation Center and the role played by the present applicant. At this stage, there is no legal evidence available against the present applicant.

In this view of the matter, the revision deserves to be allowed and is accordingly allowed. The impugned order passed by learned Additional Sessions Judge is set aside. The present applicant is discharged from the charges under sections 120-B (1), 380 r/w 120-

B, 454 r/w 120-B, 467 r/w 120-B and 468 r/w 120-B of IPC. He is stated to be under custody. He should immediately be released if his custody is not required in any other case.

With these observations and directions, the revision stands disposed of.

C.c as per rules.

(Alok Verma)
Judge

Kratika/-