

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

**HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE**

&

**HON'BLE SHRI JUSTICE VISHAL MISHRA
ON THE 31st OF OCTOBER, 2022**

CRIMINAL REVISION No. 3929 of 2022

BETWEEN:-

PREETI GAUTAM

.....PETITIONER

(BY SHRI PIYUSH BHATNAGAR - ADVOCATE)

AND

**CENTRAL BUREAU OF INVESTIGATION VYAPAM
SCAM CASES DISTRICT BHOPAL (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI VIKRAM SINGH - ADVOCATE)

CRIMINAL REVISION No. 3930 of 2022

BETWEEN:-

RANU SEN

.....PETITIONER

(BY SHRI PIYUSH BHATNAGAR - ADVOCATE)

AND

**CENTRAL BUREAU OF INVESTIGATION VYAPAM
SCAM CASES DISTRICT BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI VIKRAM SINGH - ADVOCATE)

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*This revision coming on for orders this day, **Hon'ble Shri Justice Ravi Malimath, Chief Justice** passed the following:*

ORDER

Criminal Revision No.3929 of 2022 is filed by petitioner - Preeti Gautam against the order dated 27.12.2021 passed by the trial Court in S.T.No.1200936 of 2014 and Criminal Revision No.3930 of 2022 is filed by petitioner - Ranu Sen against the order dated 09.05.2022 passed by the trial Court in S.T.No.1200704 of 2014.

2. Since the facts and question of law involved herein are similar, they are taken up for consideration together. The facts as stated in Criminal Revision No.3929 of 2022 are being narrated for the sake of convenience.

3. The case of the petitioner is that she participated in the Contract School Teacher Eligibility Exam Class-III in the year 2011. It was conducted by the Professional Examination Board, Madhya Pradesh. It was alleged that she colluded alongwith the employees, an officer of the Professional Examination Board and various other persons for purposes of getting the marks increased in the exam and the answer-sheets namely in the OMR sheets as well as the other examination

relating to the electronic document that were found to be forged. As a consequence whereof, F.I.R. No.19 of 2013 was registered by the Special Task Force, Bhopal for the offences punishable under Sections 420 read with 120-B, 467, 468, 471, 201 of the Indian Penal Code, Section 13(1) (d) read with 13(1) (2) of Prevention of Corruption Act, Section 120-B of the IPC, Section 65 & 66 of the IT Act, 2000 read with 120-B of the IPC and Section 3 Gha(1)(2) read with 4 of M.P. Manyata Prapt Pariksha Adhiniyam, 1937 read with Section 120-B of the IPC.

4. Thereafter, investigation was taken up. Charges were framed against the petitioners. She challenged the same. The trial Court by the impugned order rejected the claim. Hence, the instant petition.

5. The learned counsel for the petitioner submits that so far as the other charges are concerned the petitioner proposes to contest them in the trial. However so far as an offence under Section 467 of the IPC is concerned, he pleads that no offence can be made out under the said section. That even if the case of the prosecution is to be accepted that there is a tampering of OMR sheet that does not come under a definition of 'Valuable Security' as stated in Section 467 of the IPC. Hence, he pleads that the so far as Section 467 of the IPC is concerned, the petition be allowed and the charges framed against the petitioner be quashed so far as this section is concerned. The same is disputed by the learned counsel for the respondent.

6. On considering the contentions, we do not find any merit in the petition. So far as Section 467 of the IPC is concerned, the same

pertains to forgery of a 'Valuable Security', 'Will', etc. The same refers to a document which has been forged for the purposes of receiving any interest.

7. In support of his case, the learned counsel for the petitioner placed reliance on a Single Bench judgment of the Gwalior Bench of this Court reported in ILR (2016) MP 2357, with reference to para 12.5, which reads as follows :-

“12.5 A bare reading of Section 467 IPC reveals that this offence arises when someone forges documents, which is valuable security or a will or an authority to adopt a son or any document which gives 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, movable property, or valuable security, or any document purporting to be an acquittance or receipt for the delivery of any movable property or valuable security. The allegations against the applicant prima-facie do not appear to make out a case u/S 467 of the IPC as none of the ingredients constituting this offence are alleged against the applicant till date”

A reading of the same would clearly indicate that whoever forges a document in order to receive any benefit of such forgery, the question of forgery of a valuable security would arise for consideration. The reasoning finds a support vide Section 30 of the IPC, which also postulates what a “Valuable Security” means. It denotes a document where any legal right is created, extended, transferred, restricted, extinguished or released for which a person acknowledges that he lies under legal liability or has not a certain legal right. It is relevant to

notice that the Indian Penal Code was framed in the year 1860. The existence of an OMR sheet or otherwise was nowhere at that point of time. Therefore, the sum and substance of Section 467 of the IPC is to be considered in order to know whether it amounts to a valuable document or not.

8. So far as the facts are concerned, it is a document which has been alleged by the prosecution which has been tampered by the petitioner. That the tampering has taken place in order to receive a benefit by the other co-accused. Therefore, it has to be read as a valuable security. Even though the provisions of Section 467 of the IPC are not under challenge, we are of the view that the reasoning adopted by the learned Single Judge in the aforesaid judgment may not be appropriate. Therein, the learned Single Judge referred to the document in *stricto sensu* with reference to Section 467 of the IPC. However, what is to be considered, is not the restrictive document that are stated under Section 467 of the Code but the meaning of the word 'Valuable Security'. In course of time, there are many such documents that would be considered as "Valuable Securities". Therefore, to restrict a valuable security purely in terms of the restriction under Section 467, in our considered view may not be appropriate.

9. So far as the merits are concerned, we are of the considered view that Section 467 of the IPC is squarely applicable to the case of the petitioner. We do not find that she has been wrongly framed under the said section. We are of the view that there is a strong *prima facie* case against the petitioner for the prosecution to proceed against.

10. Hence, we find no good ground to interfere in the matter. Both the criminal revisions are dismissed.

(RAVI MALIMATH)
CHIEF JUSTICE

(VISHAL MISHRA)
JUDGE

VS