IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No. 187 of 2014
Reserved on: 14.09.2026
Date of Decision: 25.09.2026

Methuku Thirupathi Reddy ...Petitioner

Versus

CBI ...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] No

For the Petitioner	:	Mr R.K. Bawa, Senior Advocate with M/s Ajay Kumar Sharma and Abhinav Thakur, Advocates
For the respondent/CBI	:	Mr Janesh Mahajan, Advocate, Special Public Prosecutor.

Rakesh Kainthla, Judge

The present revision is directed against the judgment dated 25.06.2014, passed by the learned Special Judge, CBI, Shimla (learned Appellate Court) vide which the judgment of conviction and order of sentence dated 20.06.2009, passed by the learned Chief Judicial Magistrate, Shimla (learned Trial Court) were upheld.

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

2026:HHC:41368

(The parties shall hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court).

2. Briefly stated, the facts giving rise to the present revision are that the CBI filed a charge sheet before the learned Trial Court against the accused for the commission of offences punishable under Sections 420, 468 and 471 of the Indian Penal Code (IPC). It was asserted that Satluj Jal Vidyut Nigam Limited, then known as Nathpa Jhakhri Power Corporation, issued an advertisement No. 19/97 in February 1997 for various posts including the post of Assistant Officer, P&A at E1 Level, which was reserved for Scheduled Caste/Schedule Tribe candidates. The accused, M.T. Reddy, applied for the post of AO (P&A). He annexed a forged certificate bearing No. 346/1996 dated 03.04.1996 purported to have been issued by Mandal Revenue Officer Shyampet, Warangal, Andhra Pradesh. The recruitment section scrutinised the application form and approved the candidature of the accused for the post. A panel for the interview was prepared, which included the name of the accused as one of the candidates. The accused was selected, and an appointment letter was issued to him on 29.05.1997. The accused accepted the offer of appointment and joined Satluj Jal Vidyut Nigam Limited on 24.06.1997. The

accused submitted a Scheduled Tribe certificate bearing No. 346/1996 dated 03.04.1996 in support of his candidature at the time of joining. SJVN Ltd. sent a letter on 14.07.2005 to the Mandal Revenue Officer, Shyampet, Warangal, Andhra Pradesh, who replied that the Scheduled Tribe certificate produced by the accused was forged. The services of the accused were terminated with effect from 22.08.2005. The matter was reported to the CBI, which registered the FIR and investigated the matter. It was found after the investigation that the Scheduled Tribe certificate submitted by the accused was never issued by the Mandal Revenue Officer, Shyampet, Warangal, Andhra Pradesh. There was no entry regarding the issuance of the certificate in the name of the accused in the record of the office. The accused belonged to the Reddy caste, which is not a Scheduled Tribe in the State of Andhra Pradesh. Hence, a charge sheet was filed before the Court for taking action as per the law.

3. The learned Trial Court found sufficient reasons to summon the accused. When the accused appeared, he was charged with the commission of offences punishable under Sections 420, 467, 468 and 471 of the IPC, to which he pleaded not guilty and claimed to be tried.

4. The CBI examined ten witnesses to prove its case. Narinder Ambade (PW1) is the witness of recovery. Mukul Tirkey (PW2) proved the selection process and the various documents related to the appointment of the accused. A. K. Mukherjee (PW3) proved the handwriting of the accused, issuance of the advertisement and the selection of the accused. S.K. Biswas (PW4) proved the appointment order and other documents. Mohammed Ibrahim (PW5) proved that a letter was received regarding the verification of the Scheduled Tribe certificate produced by the accused and no such certificate was found to have been issued by Mandal Revenue Officer, Shyampet, Warangal, Andhra Pradesh. Vidya Sagar (PW6) was posted in the office of the Mandal Revenue Office and proved that the signatures on the certificate produced by the accused were not those of the competent authority. G. Sheshagiri Rao (PW7) proved that the certificate produced by the accused was not issued by the Mandal Revenue Office. N.C. Sood (PW8) is the Government examiner of questioned documents, who compared the signatures and proved the signatures of the accused on various documents. G.M. Shah (PW9) was working as Mandal Revenue Officer and proved that the certificate produced by the

accused was not issued by him. K.S. Rana (PW10) investigated the matter.

5. The accused, in his statement recorded under Section 313 of the Code of Criminal Procedure (Cr.PC), admitted that SJVNL had issued an advertisement for various posts in February 1997, including a post for AO (P&A) reserved for SC/ST candidates. He admitted that he had applied for the post and submitted an application form with a certificate of Scheduled Tribe. He admitted that he had appeared in the interview and was selected for the post against the Scheduled Tribe category. He admitted that the appointment letter was issued to him and he had accepted the offer of appointment. He admitted that he had joined SJVN Ltd. on 24.06.1997 and he had submitted a certificate showing him to be a candidate of Scheduled Tribe category. He denied that the certificate produced by him was forged. He claimed that the certificate was issued by the Mandal Revenue Officer, Shyampet. He stated that he belonged to Konda Reddy, which is a Scheduled Tribe caste in the State of Andhra Pradesh. The CBI had not produced the complete record of the application and issuance of the certificate. He admitted that his services were terminated by SJVNL. He stated that he had applied for the certificate in the office

of the Mandal Revenue Office. He was called after 2-3 days, and the certificate was handed over to him. He did not produce any evidence in his defence.

6. Learned Trial Court held that it was not disputed by the accused that an advertisement was issued for the post of AO (P&A) in SJVNL which was reserved for the candidates belonging to Scheduled Tribe. It was also not disputed that the accused had submitted an application for the post and submitted a certificate stating that he belonged to the Scheduled Tribe category. The accused claimed that the certificate was issued to him by the Mandal Revenue Office. However, the statements of the witnesses proved that no such certificate was issued from the office. The accused claimed that he belonged to Konda Reddy, but this was also not proved. When the accused secures a Government Job by forging the certificate, no leniency should be shown to him. The accused had forged the certificate and used it as genuine. Therefore, the learned Trial Court convicted and sentenced the accused as under:

Sections	Sentence
Section 420 of IPC	To undergo simple imprisonment for two years, pay a fine of ₹1,000/- and in default of

	payment of fine, to undergo simple imprisonment for 15 days.
Section 467 of IPC	To undergo simple imprisonment for two years, pay a fine of ₹2,000/- and in default of payment of fine, to undergo simple imprisonment for 15 days.
Section 468 of IPC	To undergo simple imprisonment for one year, pay a fine of ₹1,000/- and in default of payment of fine, to undergo simple imprisonment for 15 days.
Section 471 of IPC	To undergo simple imprisonment for one year, pay a fine of ₹1,000/- and in default of payment of fine, to undergo simple imprisonment for 15 days.

7. Being aggrieved by the judgment and order passed by the learned Trial Court, the accused filed an appeal which was decided by the learned Special Judge, CBI, Shimla (learned Appellate Court). The learned Appellate Court concurred with the findings recorded by the learned Trial Court that the certificate (Ext.PW2/L) produced by the accused was a forged document, as it was not issued by the Mandal Revenue Office. The statements of the prosecution witnesses were consistent. The accused was the only person who could have gained by forging the certificate. He

had produced a forged certificate as genuine to secure a job for himself, and he was rightly convicted by the learned Trial Court. The sentence imposed by the learned Trial Court is adequate, which did not require any interference from the learned Appellate Court. Hence, the appeal was dismissed.

8. Being aggrieved by the judgments and order passed by the learned Courts below, the accused has filed the present revision asserting that the learned Courts below erred in convicting and sentencing the accused. There was no evidence to show that the accused had any knowledge that the certificate was a forged document. The accused claimed that he had applied for the certificate and the certificate was handed over to him after 2-3 days, which plea was highly probable. The documents were not proved as per the law, and learned Courts below erred in relying upon them. The accused had produced a notification (Ext.DX) during the appeal in which Konda Reddy was shown as Scheduled Tribe category in the State of Andhra Pradesh. This document was not considered by the learned Appellate Court. Therefore, it was prayed that the present revision be allowed and the judgments and order passed by the learned Courts below be set aside.

9. I have heard Mr R. K. Bawa, learned Senior Advocate, assisted by M/s Ajay Kumar Sharma and Abhinav Thakur, learned counsel for the petitioner/accused and Mr Janesh Mahajan, learned Special Public Prosecutor for the respondent/CBI.

10. Mr R.K. Bawa, learned Senior Advocate for the petitioner, submitted that the signatures and handwriting on the scheduled tribe certificate were not compared with the signature/handwriting of the accused. Hence, there is no evidence that the accused had forged the certificate. The prosecution was required to prove that the accused knew the certificate to be forged and had produced it to cheat a person. The requirements of cheating and forgery were not satisfied. The plea taken by the accused that he had applied for the certificate and the certificate was handed over to him after 2-3 days was highly probable. Learned Courts below erred in rejecting this plea. Therefore, he prayed that the present revision be allowed and the judgments and order passed by the learned Courts below be set aside. He relied upon the following judgments in support of his submission:-

(i) *Hridaya Ranjan Prasad Verma & ors. Vs. State of Bihar & Anr. (2000) 4 SCC 168;*

(ii) *Chatt Ram Vs. State of Haryana (1980) 1 SCC 460;*

(iii) *Shriniwas Pandit Dharamadhikari Vs. State of Maharashtra (1980) 4 SCC 551;*

(iv) *Abdul Rahim Khan Mohammad Manwarkhan Vs. Emperor 1939 SCC OnLine MP 94;*

(v) *Madhavlal Manishankar Trivedi Vs. State of Madhya Pradesh 1959 SCC OnLine MP 80;*

(vi) *State of Punjab Vs. Romesh Kumar Gupta 1991 SCC OnLine P&H 567;*

(vii) *Medchl Chemicals & Pharma (P) Ltd. Vs. Biological E. Ltd. & ors. (2000) 3 SCC 269;*

(viii) *A.S. Krishnan and others vs. State of Kerala (2004) 11 SCC 576;*

(ix) *T. Ksriramappa Vs. State of Karnataka 2005 SCC OnLine Kar. 690;*

(x) *Vir Prakash Sharma Vs. Anil Kumar Agarwal & Anr. (2007) 7 SCC 373;*

(xi) *Kuriachan Chacko & ors. Vs. State of Kerala (2008) 8 SCC 708;*

(xii) *Arvinder Singh Vs. State of Punjab 2009 SCC OnLine P&H 2029; and*

(xiii) *S.V.L. Murthy Vs. State (2009) 6 SCC 77;*

11. Mr Janesh Mahajan, learned Special Public Prosecutor for the respondent/CBI, submitted that it is undisputed that an advertisement was issued for the post of AO (P&A) at E1 by SJVNL, the accused had applied for the post, and he had annexed a certificate showing him to be a member of the Scheduled Tribe category. The officials of the Mandal Revenue Office have consistently stated that the certificate was not issued by the office. There is no entry of any application filed by the accused or issuance of the certificate. It was proved that the signatures on the certificate produced by the accused were not put by the Mandal Revenue Officer. The accused was the best person who would have

been aware of the fact whether the certificate was issued by the competent authority or not. The accused had relied upon the forged certificate to secure a job, and it can only be inferred that he had done so deliberately with a requisite intention. Learned Courts below had rightly convicted and sentenced the accused. This Court should not interfere with the concurrent finding of facts while exercising the revisional jurisdiction. He relied upon the judgment of the Hon'ble Supreme Court in ***A.S. Krishnan and others vs. State of Kerala (2004) 11 SSC 576*** in support of his submission.

12. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

13. It was laid down by the Hon'ble Supreme Court in ***Kuntegowda v. Thurubaiah, 2026 SCC OnLine SC 1485,*** that a revisional court does not act as an appellate court and it can only determine the correctness, legality and propriety of the findings, sentence and order recorded by the lower court. It was observed:

> "**7.** Before parting, we would like to accentuate the revisional jurisdiction of the High Courts and the contours and inherent limits while exercising powers as a revisional authority. Section 397 of the Criminal Procedure Code, 1973 (now, Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023) encapsulates the power of High Courts and Sessions Courts to examine the correctness, legality or propriety of any order passed by an inferior criminal court. The said Section is extracted as hereunder:

> **"438. Calling for records to exercise powers of revision.—**(1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling, for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement that he be released on his own bond or bail bond pending the examination of the record.
>
> *Explanation.* —All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this subsection and of section 439.
>
> (2) The powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.
>
> (3) If an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them."

Discretion in the exercise of revisional jurisdiction should be exercised within the four corners of this section whenever there has been miscarriage of justice. However, while exercising power under this section, the Court does not act as an appellate Court and therefore, while considering the legality, propriety or the correctness of a finding or a conclusion, the revisional court does not and should not dwell upon the facts and the evidence of the case as an appellate Court. The court, in revision, considers the material only to satisfy itself about the correctness, legality and propriety of the findings, sentence and order recorded by the lower court, and should refrain from substituting its conclusion on an elaborate consideration of evidence, and the findings of the lower courts should not be reversed merely on the ground that an alternative view is possible on the facts of the case. In this case, such a position did not also emanate from the evidence on record.

7.1. This Court, in the ***State of Maharashtra v. Jagmohan Singh Kuldip Singh Anand, (2004) 7 SCC 659: 2004 SCC (Cri) 2003,*** observed that the High Court, in exercise of its revisional jurisdiction, cannot embark upon an in-depth roving re-examination of the oral evidence and medical evidence and come to a conclusion contrary to the consistent one reached by two courts below. In the facts of the present case, in the impugned judgment, the High Court gravely erred in upsetting the concurrent findings of conviction of the trial court and the Appellate Court by substituting its own conclusions and reasoning on the merits of the case and thereby erred in setting aside the well-reasoned and correct judgment and orders of the trial and appellate courts.

7.2. Upon perusal of the impugned judgment and order dated 06.10.2023, it is apparent that the High Court went into great detail into each of the testimonies, documents and merits of the case which could have been avoided, especially when the subject matter had come under its revisional jurisdiction. Instead, acting as an appellate Court, the High Court deemed it fit to go into the merits of the case, something which is generally impermissible unless a glaring contradiction is apparent on the face of the record. In ***State of Kerala v. Puttumana Illath Jathavedan Namboodiri, (1999) 2 SCC 452: 1999 SCC (Cri) 275***, while considering the scope of the revisional jurisdiction of the High Court, this Court has laid down the following:

> "5. ... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting a miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily,

therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to a gross miscarriage of justice. On scrutinising the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation to come to the conclusion that the High Court exceeded its jurisdiction in interfering with the conviction of the Respondent by reappreciating the oral evidence. ...”

7.3. The contours for exercise of revisional jurisdiction have been well settled by the judicial dicta of this Court wherein time and again it has been observed that the High Court shall not interfere with the orders of the lower court unless:

i. The order or finding of the lower court is perverse, grossly erroneous, glaringly unreasonable or wholly unreliable or untenable in law.

ii. The lower court has passed the impugned order after considering immaterial or irrelevant material or no material at all.

iii. There is a non-consideration of any relevant material or the judicial discretion has been exercised arbitrarily or capriciously.

7.4. This Court, in ***Sanjabij Tari v. Kishore S. Borcar, 2025 INSC 1158,*** in similar facts and circumstances wherein the High Court had reversed concurrent findings of conviction under Section 138 of NI Act, while setting aside the impugned order, observed as under:

“27. It is well settled that in exercise of revisional jurisdiction, the High Court does not, in the absence of perversity, upset concurrent factual findings. This Court is of the view that it is not for the Revisional Court to reanalyse and re-interpret the evidence on record. As held by this Court in ***Southern Sales & Services v. Sauermilch Design and Handels GMBH, (2008) 14 SCC 457***, it is a well-established principle of law that the

> Revisional Court will not interfere, even if a wrong order is passed by a Court having jurisdiction, in the absence of a jurisdictional error.
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> 28. Consequently, this Court is of the view that in the absence of perversity, it was not open to the High Court in the present case, in revisional jurisdiction, to upset the concurrent findings of the Trial Court and the Sessions Court."
>
> **7.5.** In the facts of the present case, we find that the High Court has failed to highlight any reason or material satisfaction to the effect that there was any such glaring contradiction or perversity apparent on the face of the record to justify the exercise of the powers under revisional jurisdiction and thereby erred in interfering with the judgment and orders of the courts below. Therefore, the present appeal has to be allowed by setting aside the impugned order of the High Court. In view of the aforesaid discussion, we are of the view that the High Court committed an error in setting aside the order of conviction in exercise of revisional jurisdiction. No sufficient ground has been mentioned by the High Court in its judgment to enable it to exercise its revisional jurisdiction for setting aside the conviction.

14. The present revision has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

15. The accused has not disputed the fact that an advertisement was issued by SJVNL; he had applied for the post, appeared in the interview and was selected as a candidate against the Scheduled Tribe category. He has also not disputed that he had submitted the certificate (Ext.PW2/L) showing that he belonged to a Scheduled Tribe category. The statements of Narinder Ambade (PW1), Mukul Tirkey (PW2), A. K. Mukherjee (PW3) and S.K. Biswas

(PW4) regarding these facts were not challenged. Therefore, learned Courts below have rightly held that an advertisement was issued for the post of AO (P&A) reserved for Schedule Tribe Category for which the accused had applied, submitted a Schedule Tribe Certificate and was granted appointment as a scheduled tribe candidate.

16. Mr A.K. Mukherjee (PW3) admitted in his cross-examination that the antecedents of the employee are verified before confirmation of the employee and the antecedents of the accused were also verified in the present case. It was submitted that it is highly inconceivable that SJVNL would not have come to know about the forgery of the certificate at the time of verification of the antecedents. This submission cannot be accepted. There is a distinction between the verification of the antecedents and the verification of the caste. Antecedents refer to the pendency of any criminal case against a person and do not concern the genuineness of the certificate or the caste. There is no record to show that the certificates were also verified before the confirmation. Thus, the mere verification of the antecedents will not mean that the certificate produced by the accused was genuine.

17. Mohammad Ibrahim (PW5) stated that a certificate was received from SJVNL for verification. He checked the record and found that no such certificate was issued by the office. He sent a letter (Ext.PW3/B). G.M. Shah (PW9) was posted as Mandal Revenue Officer at the time when the certificate is purported to have been issued. He could identify the signatures of Mr G. M. Shah (PW9), and the certificate (Ext.PW2/L) does not bear the signatures of G.M. Shah. There was no entry in the Mandal Revenue Office regarding the issuance of the certificate in the distribution register for the year 1996. The certificate entered at Sl. No. 346 was issued in the name of P. Rajender. This entry was made by Mr Sheshagiri Rao at Sl. No. 346. The list of Scheduled Caste/Scheduled Tribe (Ext.PW5/P) mentions Konda Reddy at Sl. No. 10, whereas the certificate (Ext.PW2/L) mentions the caste Konda Reddy at Sl. No. 15. The accused belongs to the Reddy caste, which is not a Scheduled Tribe in the State of Andhra Pradesh. He stated in his cross- examination that the application form and the printed proforma of the certificate are available with the booksellers. The record was maintained on a computer after 2000, and earlier the record was manually maintained. The application forms are kept in the official record. However, such records were not seized by the

CBI. He admitted that the applicant is not involved in the procedure of issuing the certificate after submitting the application. No error was detected in the record during his tenure. He denied that the certificate was issued by the office.

18. His testimony is corroborated by G.M. Shah (PW9), who stated that he was working as Mandal Revenue Officer, Shyampet, Warangal, Andhra Pradesh w.e.f. 1994 to 1996. The caste certificate (Ext.PW2/L) was not issued by him. It did not bear his signature, and it was a forged certificate. Reddy belongs to a forward caste and does not belong to a Scheduled Tribe in the Warangal district. He was not cross-examined at all, which means that his testimony that the certificate does not bear his signature has remained unrebutted. Therefore, the testimonies of this witness and Mohammad Ibrahim (PW5) prove that the certificate (Ext.PW2/L) does not bear the signatures of the competent authority.

19. Vidya Sagar (PW6) stated that as per the procedure, a person applying for a certificate, including Scheduled Tribe and Scheduled Caste, submits the requisite form in the prescribed format. The details are verified from the Panchayat Secretary or Revenue Officer. The certificate is prepared and is signed by the Mandal Revenue Officer. The entry with regard to the issuance of

the certificate is made in the distribution register, and the inward number and date are entered in the certificate. The certificate bearing Sl. No. 346/1996 dated 03.04.1996 was not issued by the Office of the Mandal Revenue Officer, Shyampet. The certificate does not bear the signatures of the Junior Assistant or the Mandal Revenue Officer. As per Entry No. 346, an income certificate was issued in favour of P. Rajender on 27.01.1996. No certificate was issued by the office on 03.04.1996 as shown in the certificate (Ext.PW2/L). He stated in his cross-examination that he had not compared the documents with the original. He denied that different registers were being maintained in the office or that the certificate was issued by the office.

20. Sh. G. Sheshagiri Rao (PW7) stated that the certificate (Ext.PW2/L) was not issued by Mandal Revenue Office and the same was forged. He was working as a Junior Assistant, and the certificate does not bear his signature. There was no entry in the office register regarding the issuance of the certificate (Ext.PW2/L). He stated in his cross-examination that the person comparing the documents with the original appends his signature. He admitted that Konda Reddy was also mentioned as a Scheduled Tribe in the

list of the Scheduled Tribes. He denied that the certificate (Ext.PW2/L) was issued by the office.

21. The witnesses from the Mandal Revenue Office, including the Mandal Revenue Officer, have consistently stated that the certificate (Ext.PW2/L) produced by the accused was not issued by the Mandal Revenue Office and it does not bear the signatures of the Mandal Revenue Officer. The statement of Mandal Revenue Officer, G.M. Shah (PW9) that the certificate does not bear his signature was not challenged in the cross-examination and has gone unrebutted. Therefore, the conclusion drawn by learned Courts below that the certificate was forged cannot be faulted.

22. It was submitted that the accused had applied for the certificate and the certificate was handed over to him. He had no means of knowing that the certificate was forged. This submission is only stated to be rejected. The accused claimed in his statement recorded under Section 313 of the Cr.PC that he had applied for the certificate. There is no evidence that he had done so. A statement made by the accused under Section 313 of the Cr.PC does not amount to any evidence. It was held in ***Sumeti Vij v. Paramount Tech Fab Industries, (2022) 15 SCC 689: 2021 SCC OnLine SC 201*** that the

statement recorded under Section 313 of CrPC is not substantive evidence. It was observed at page 700:

> "20. That apart, when the complainant exhibited all these documents in support of his complaints and recorded the statement of three witnesses in support thereof, the appellant recorded her statement under Section 313 of the Code but failed to record evidence to disprove or rebut the presumption in support of her defence available under Section 139 of the Act. *The statement of the accused recorded under Section 313 of the Code is not substantive evidence of defence, but only an opportunity for the accused to explain the incriminating circumstances appearing in the prosecution's case against the accused......*" (Emphasis supplied)"

23. Therefore, reliance cannot be placed upon the statement made by the accused to conclude that he had applied for the certificate and the certificate was handed over to him.

24. It was submitted that the accused could not have proved that he had applied for the certificate. This submission is also not acceptable. He would have been issued a receipt of the application, which could have been produced. He could have summoned the application from the Mandal Revenue Officer to prove this fact. Therefore, the proof of the application was not difficult. However, no such proof was produced. Therefore, the learned Courts below cannot be faulted for rejecting the plea taken by the accused.

25. The accused produced a list of Scheduled Castes/Scheduled Tribes/BC communities before the learned

Appellate Court, in which Konda Reddy was shown at Sl. No. 15 of the list of Scheduled Tribes. A similar list was produced by the prosecution (Ext.PW5/B), in which Konda Reddy was shown to be a Scheduled Tribe in the District of Hyderabad, Mehboobnagar, Adilabad, Nizamabad, Medak, Karimnagar, Warangal, Khammam and Nalgonda. However, these lists will not help the accused. Mr Vidya Sagar (PW6) specifically stated that the accused belongs to the Reddy caste, which is another caste and not a Scheduled Tribe. This part of his testimony was not challenged in the cross-examination, and is deemed to be accepted. The accused did not examine any person from his village or Panchayat to show that he belongs to the Konda Reddy caste. Thus, the defence taken by the accused in his statement recorded under Section 313 of Cr.P.C. that he belongs to the Konda Reddy caste, which is recognised as a Scheduled Tribe, cannot be accepted.

26. It is undisputed that the post was advertised for Scheduled Tribe candidates. The accused represented himself to be a Scheduled Tribe candidate and secured employment based on such representation made by him. Therefore, the accused had made a representation that he belonged to the Scheduled Tribe, which representation was accepted by SJVNL, and SJVNL provided a job to

the accused. The job would not have been offered to the accused had he not made such a representation because only a person of the scheduled tribe category was eligible for the job. Hence, the necessary ingredients of the commission of an offence punishable under Section 420 of IPC were satisfied.

27. It was submitted that the prosecution has to prove that the accused had fraudulent intention from the beginning and there is a distinction between mere breach of contract and cheating. This submission will not help the accused. In the present case, the accused had represented himself to be a member of the Scheduled Tribe, which he was not. This representation was made to secure the job which he would not have got had he not made such a representation. Hence, the representation was false to begin with, and the judgments in ***Medchl Chemicals and Pharma*** (supra), ***Vir Prakash Sharma*** (supra), ***Kuriachan Chacko*** (supra), ***Arvinder Singh*** (supra), ***SVL Murthy*** (supra), ***Romesh Kumar Gupta*** (supra) and ***Hridaya Ranjan Prasad*** (supra) do not apply to the present case.

28. N.C. Sood (PW8) examined various documents submitted by the accused to SJVNL and concluded that the signatures on them were similar to the signatures on the documents so compared by him. Significantly, he had not

examined the certificate (Ext.PW2/L) to determine whether the certificate was in the handwriting of the accused or whether the signatures of the Mandal Revenue Officer tallied with the specimen/admitted signatures of the accused. Therefore, there was no evidence to hold that the accused had forged the certificate. The learned Trial Court did not record any finding as to how it concluded that the certificate was forged by the accused. The learned Appellate Court held in para 41 of the judgment that no other person would have gained anything by fabricating the certificate (Ext.PW2/L) and (Ext.PW2/D1), and there was no necessity to bring on record the evidence to show that the accused had actually forged the certificate. Therefore, the accused would be deemed to have forged a certificate. This conclusion is not sustainable. It was laid down in ***Santosh Kumar Padhy v. State*, *1991 SCC OnLine Ori 278 : (1991) 72 CLT 348*** that mere possession of a document is not sufficient to convict a person for forging the document; it must be proved that he had actually forged it. It was observed at page 353:

> **14.**....A document can be said to be falsely made if the signature, seal or date are false vide decision reported in ***(1970) 2 SCC 871: A.I.R. 1971 S.C. 1011 (The State of Bihar v. Shiva Bhikshuk Mishra)***. In the present case at hand, it has not been proved that the alleged signature was in the handwriting of accused S.K. Padhy. That apart, it is also the

> settled proposition of law that the mere fact that the accused was found to be in possession of forged documents would not ipso facto show, in the absence of other material, that he knew or had reason to believe that they were forged documents vide decision reported in ***A.I.R. 1963 S.C. 822 (Radha Kishan v. State of Uttar Pradesh). (1979) 4 SCC 595: A.I.R. 1979 S.C. 1506 (Abdul Karim Madar Sahab v. State of Mysore)*** and ***(1979) 4 SCC 338: A.I.R. 1979 S.C. 1342 (Dasrathlal Chandulal Joshi v. State of Gujarati*** In the present case, the learned Magistrate has jumped to the conclusion that accused Padhy forged the document since he wrote a part of the forged document. There is no finding of the Magistrate that the essential part of the document, i.e., the signature of the Magistrate, was forged by the accused. No doubt, he admitted to having put the case numbers and dates meant for appearance of the accused persons. As I have already observed, this alone cannot amount to an act of forgery on his part, particularly when, even according to his own admission, he was so directed by accused Tripathy as the Sheristadar in the office. Charge of forgery, therefore, based on mere suspicion or doubt is not maintainable vide decision reported in ***A.I.R. 1984 Orissa 71: 1984 (1) O.L.R. 10(Upendranath Nayak v. Union of India);*** hesitate to act on such ratiocination.

29. A similar view was taken in ***Chatt Ram*** (supra)

30. In the present case, there is no evidence that the accused had forged the certificate and he cannot be held liable for the commission of offences punishable under Sections 467 and 468 of the IPC.

31. In ***Shriniwas Pandit Dharamdhikari*** (supra), the certificate was not held to be valuable security. The judgment turns

on the facts and does not apply to the present case. In ***Abdul Rahim Khan Mohammad Manwarkhan*** (supra) and ***Madhavial Manishanker Trivedi*** (supra), it was held that knowledge of the document being forged is essential. In the present case, the document was forged, and the circumstantial evidence proved on record that the accused was aware of the document being forged. Hence, these judgments do not apply to the present case. Therefore, the cited judgments do not apply to the present case.

32. The accused had used a forged certificate to secure employment. It was laid down by the Hon'ble Supreme Court in ***A.S. Krishnan*** (supra) that if the accused uses the forged certificate as genuine, he would be liable for using the forged documents as genuine. It was observed:

> 8. The essential ingredients of Section 471 are (I) fraudulent or dishonest use of a document as genuine; (ii) knowledge or reasonable belief on the part of the person using the document that it is a forged one. Section 471 is intended to apply to persons other than the forger himself, but the forger himself is not excluded from the operation of the Section. To attract Section 471, it is not necessary that the person held guilty under the provision must have forged the document himself or that the person independently charged for forgery of the document must of necessity be convicted, before the person using the forged document, knowing it to be a forged one, can be convicted, as long as the fact that the document used stood established or proved to be a forged one. The act or acts which constitute the commission of the offence of forgery are quite different from

the act of making use of a forged document. The expressions fraudulently and dishonestly are defined in Sections 25 and 24 IPC respectively. For an offence under Section 471, one of the necessary ingredients is fraudulent and dishonest use of the document as genuine. The act need not be both dishonest and fraudulent. The use of the document as contemplated by Section 471 must be voluntary one. For sustaining conviction under Section 471, it is necessary for the prosecution to prove that the accused knew or had reason to believe that the document was a forged one. Whether the accused knew or had reason to believe the document in question to be a forged one has to be adjudicated on the basis of materials, and the finding recorded in that regard is essentially factual.

9. Under the IPC, guilt in respect of almost all the offences is fastened either on the ground of "intention" or "knowledge" or "reason to believe". We are now concerned with the expressions "knowledge" and "reason to believe". "Knowledge" is an awareness on the part of the person concerned indicating his state of mind. "Reason to believe" is another facet of the state of mind. "Reason to believe" is not the same thing as "suspicion" or "doubt", and mere seeing also cannot be equated to believing. "Reason to believe" is a higher level of state of mind. Likewise, "knowledge" will be slightly on a higher plane than "reason to believe". A person can be supposed to know where there is a direct appeal to his senses, and a person is presumed to have a reason to believe if he has sufficient cause to believe the same. Section 26 IPC explains the meaning of the words "reason to believe" thus:

> 26 - "Reason to believe": A person is said to have 'reason to believe' a thing, if he has sufficient cause to believe that thing but not otherwise."

10. In substance, what it means is that a person must have reason to believe if the circumstances are such that a reasonable man would, by probable reasoning, conclude or infer regarding the nature of the thing concerned. Such circumstances need not necessarily be capable of absolute conviction or inference; but it is sufficient if the circumstances are such as to create a cause to believe by a

> chain of probable reasoning leading to the conclusion or inference about the nature of the thing. These two requirements, i.e. "knowledge" and "reason to believe", have to be deduced from various circumstances in the case.

33. In the present case, the certificate was not issued by the Mandal Revenue Officer, the competent authority. There is no evidence that the accused had applied for the issuance of the certificate as claimed by him. Therefore, he was aware of the fact that the certificate was not issued by the Mandal Revenue Officer, and he used it as a genuine document to secure the employment. Therefore, he was rightly held guilty of the commission of an offence punishable under Section 471 of the IPC.

34. Learned Trial Court had sentenced him to undergo simple imprisonment for two years, pay a fine of ₹1,000/- with default clause for the commission of an offence punishable under Section 420 of IPC. The learned Trial Court had sentenced the accused to undergo simple imprisonment for one year and pay a fine of ₹1,000/ with a default clause for the commission of an offence punishable under Section 471 of the IPC. The accused had secured the public employment by representing himself to be a member of the Scheduled Tribe, which he was not. Therefore, no leniency was required in his case as he had deprived a genuine

person of the benefit meant for him. Hence, the learned Trial Court had taken a lenient view, and no further leniency is required in the present case.

35. No other point was urged.

36. In view of the above, the present revision is partly allowed. The judgment of conviction and order of sentence dated 20.6.2009, passed by learned Chief Judicial Magistrate, Shimla, H.P. in Cr. Case No. 6/2 of 2006, affirmed by learned Special Judge, CBI Court, Shimla, in Criminal Appeal No.1-S/10 of 14/13 for the commission of offences punishable under Sections 467 and 468 of the IPC are ordered to be set aside, whereas the judgment of conviction and order of sentence imposed for the commission of offences punishable under Sections 420 and 471 of the IPC are upheld. A modified warrant be prepared accordingly.

37. Records of the learned Courts below along with copy of the judgment be sent back forthwith. Pending applications, if any, also stand disposed of.

(Rakesh Kainthla)
Judge

25th September, 2026
(Nikita)