Devendra Gangadharrao Fadnavis vs Satish S/O Mahadeorao Ukey on 3 May, 2018

Equivalent citations: AIRONLINE 2018 BOM 37

Author: S . B. Shukre

Bench: S. B. Shukre

1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH : NAGPUR

Criminal Revision Application No. 94 of 2016

Applicant : Devendra Gangadharrao Fadnavis, aged about 46 years, Occupation - Social Worker, presently Chief Minister, Maharashtra, resident of "Varsha", Malabar Hills, Mumbai

Versus

Respondenta: 1) Satish s/o Mahadeorao Ukey, aged about 37 years, Occupation : Advocate, resident of Parvati Nagar, Nagpur

2) State of Maharashtra

Shri Sunil Manohar, Senior Advocate and Shri Uday Dable, Advocate with him for applicant

Respondent Shri Satish Uike in person

Coram : S. B. Shukre, J

Dated : 3rd May 2018

Oral Judgment

1. This revision application challenges the legality and correctness of the order dated 30.5.2016 rendered in Criminal Revision No. 250 of 2015 by the Principal District and Sessions Judge, Nagpur. By this order order, the learned Sessions Judge upset the order passed by the

Judicial Magistrate, First Class (Court No. 6), Nagpur on 7.9.2015 thereby dismissing the complaint filed against the present revision applicant by the respondent and remanded the matter back to the Court of Judicial Magistrate, First Class, Nagpur for consideration afresh in accordance with law. The learned Sessions Judge went a step further in directing not only original complainant, who is respondent in this revision applicant, to remain present before the trial Court, but also directed present revision applicant to do so on the day fixed by the learned Sessions Judge.

2. The facts giving rise to this revision application are, in brief, as under:

(i) The revision applicant is a politician and presently the Chief Minister of the State of Maharashtra. The general elections to the State Legislative assembly were held in the State of Maharashtra in the year 2014. The revision applicant was one of the candidates who contested elections. He contested the elections from Constituency-52, South-West, Nagpur, the State of Maharashtra. He submitted his nomination paper along with the requisite documents and affidavit in prescribed form,

Form No. 26 as prescribed under Rule 4A of the Conduct of Elections Rules, 1961 ("Election Rules" for short).

(ii) The affidavit filed in Form No. 26 contained a declaration

regarding the information that revision applicant was required to submit mandatorily, in particular, the information in terms of Section 33A (1) and (2) of the Representation of the People Act, 1951 (for short, the "Act of 1951"). This provision of law required of the revision applicant to disclose information relating to any pending criminal case in which punishment prescribed was of imprisonment for two years or more, and a charge was framed by the Court of competent jurisdiction or those criminal cases in which he was convicted of an offence and sentenced to imprisonment for one year or more.

(iii) According to the respondent, the revision applicant did not disclose the information as required of him under sub-section (1) of Section 33A of the Act of 1951. It was his contention that not only the information relating to pending criminal cases involving offences prescribing punishment of imprisonment of two years or more in which charge was framed, but also such cases in which cognizance was taken by the Court of competent jurisdiction as of the date of filing of nomination paper was required to be furnished by way of declaration made on an affidavit in Form No. 26 by the revision applicant, which he did not. According to him, there were two such cases being RCC No. 343 of 2003 (Madanlal Parate v. Shashikant Hastak & ors) involving offences

punishable under Sections 217, 218, 425, 466, 467, 468, 470, 474, 506, 109 read with Section 34 of IPC and RCC No. 231 of 1996 (Madanlal

Parate v. Devendra Fadnavis) involving an offence punishable under Section 500 IPC in both of which though charge was not framed, t concerned Court of Judicial Magistrate, First Class, Nagpur had taken cognizance which were not disclosed by the revision applicant.

(iv) It was also the contention of respondent that non-disclosure of these two pending criminal cases was in violation of Section 125A of the Act of 1951 and constituted an offence envisaged by this provision of law. The revision applicant pointed out this fact, firstly, to the Election Observer and then to the Returning Officer on 4.10.2014, but to no avail. The respondent also sent notices to the Returning Officer and Election Commission of India inviting their attention to the offence committed by the revision applicant under Section 125A of the Act of 1951. Bu according to the respondent, no action whatsoever was taken, rather, he was informed by the Election Commission of India that a private citizen having right to vote could also file a complaint before the compet criminal court praying for taking of action against a candidate committing an offence punishable under Section 125A of the Act of 1951.

(v) The communication of the Election Commission of India dated 26.4.2014 relied upon by the respondent was a circular issued to electoral officers of all States and Union Territories. Accordingly, the respondent filed a criminal complaint under Section 200 Cr. P. C. before

the Judicial Magistrate, First Class, Nagpur for initiating action against the

revision applicant for his committing an offence under Section 125A of the Act of 1951.

(vi) The learned Magistrate recorded verification statement of the respondent on 1.6.2015 and following the pursis filed by the respondent at exhibits 16 and 19, applied his mind to the facts of the case as disclosed by the complaint, verification statement of the respondent and documents filed along with the complaint which included certified copies of th nomination form and affidavit submitted by the revision applicant. Upon consideration of all the relevant material available on record, the learned Magistrate found that no prima facie case for proceeding further under Section 125A of the Act of 1951 was made out against the revisio applicant and, therefore, by the order passed on 7.9.2015, the learned Magistrate dismissed the complaint. The respondent carried the matter in revision before the learned Sessions Judge who, by the order dated 30.5.2016 quashed and set aside the order of learned magistrate and remanded the matter back to the Court of Judicial Magistrate, First Class for its fresh consideration in accordance with law. The learned Sessions Judge was of the opinion that the learned Magistrate had passed a cryptic and non-speaking order and did not consider the other relevant provisions of law and, thus, committed perversity. Not being satisfied with it, the revision applicant is before this Court in this application.

3. I have heard Shri Sunil Manohar, learned Senior Advocate for revision applicant and Shri Satish Ukey, the respondent/original complainant who argued in person. I have also gone through the record of the case including impugned order and order passed by the learned Magistrate.

4. Shri Manohar appearing for the revision applicant submits that an offence under Section 125A of the Act of 1951 is constituted only when the information required under Section 33A (1) is concealed or suppressed or submitted in a false manner. He further submits that the allegation made by the respondent relates to concealment of an information of two pending criminal cases in which cognizance was taken by the trial Court. But, he submits that what is relevant under sub-section (1) of Section 33A of the Act of 1951 is disclosure of only that pending criminal case in which offence involved is punishable with imprisonment for two years or more and the charge has been framed. He furth submits that a pending criminal case in which only cognizance is taken by the Magistrate and no charge is framed is not the case covered by this provision of law. He further submits that in RCC No. 343 of 2003 and RCC No. 231 of 1996, admittedly, charge was not framed on the date of filing of the nomination paper and, therefore, just because cognizance was taken by the Magistrate, it cannot be said that there is a violation of

Section 33A (1) of the Act of 1951 and consequently, one has to say that no offence under Section 125A of the Act of 1951 is prima facie disclosed against the applicant.

5. Learned Senior Advocate further submits that these facts of the case, glaringly coming out from the record of the case, have been properly appreciated by the trial Court, but have been completely ignored by the Sessions Court. He further submits that the order dated 7.9.2015 passed by the learned Magistrate, and its bare perusal is enough, shows that it is neither a cryptic order nor a non-speaking order and reasoned order passed after due application of mind by the learned magistrate. He submits that the provisions mentioned in the impugned order passed by the learned Sessions Judge which, in the opinion of the learned Sessions Judge ought to have been considered by the learned Magistrate, are in fact not relevant for the purpose of present enquiry and, therefore, ought not to have been suggested to be considered by th learned magistrate by remanding the case back to his Court.

6. Shri Satish Ukey, respondent in person, submits that if Rule 4A of the Election Rules and Form No. 26 prescribed by it are carefully perused, one would instantly know that a contesting candidate is required to disclose information of all pending criminal cases in which offences

involved are punishable with imprisonment for two years or more and in which cognizance has been taken by the competent criminal court and if such information is not disclosed in the affidavit, such non-disclosure or concealment would be an offence punishable under Section 125A of the Act of 1951.

7. Shri Satish Ukey further submits that the position in regard before the year 2012 was quite different when the column relating to disclosure of information regarding a criminal case in which cognizance was taken by the Criminal Court was not there in the affidavit, but now it is not so. He submits that after the year 2012 which marked the amendment of the prescribed Form No. 26, the scenario is that even such information must be disclosed by a contesting candidate. He further submits that the letter of Election Officer, which is in the natur circular dated 26.4.2014, would show that non-disclosure of such information constitutes an offence under Section 125A of the Act of 1951.

8. Shri Satish Ukey, the respondent in person, further submits that these facts, though relevant, were not at all considered by learned Magistrate when he dismissed the complaint erroneously by an order dated 7.9.2015, which error has been sought to be corrected under the order of the learned Sessions Judge impugned herein. He submits that

the learned Sessions Judge has rightly observed that the order of learned Magistrate is cryptic and non speaking and also discloses perversity for having not considered the relevant provisions of law and as such, the order of the learned Sessions Judge deserves to be upheld by dismissing this revision application.

9. Upon consideration of the order of the learned Magistr dated 07.09.2015, the order of the learned Sessions Judge dated 30.05.2016, impugned herein, the copy of the affidavit in question submitted by the revision applicant along with his nomination form and the relevant provisions of law, I am of the considered view that there is a great substance in the argument of the learned Senior Counsel for the revision applicant and no merit in the submissions advanced by the respondent in person.

10. In order to appreciate the arguments made across the bar, it would be profitable for us to first consider the law which require contesting candidate to disclose certain information in the manner prescribed under the law. These provisions are contained in Sections 33 A and 125 A of the Act of 1951 and rule 4A of the Election Rules. For the sake of convenience relevant portions of these provisions of law are reproduced as under :-

THE REPRESENTATION OF THE PEOPLE ACT, 1951.

Sec.33A Right to Information -(1) A candidate shall, apart from any information which he is required to furnish under this Act or the rules made thereunder, in his nomination paper delivered under sub-section (1) of Section 33, also furnish the information as to whether

(i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction;

(ii) he has been convicted of an offence [other than any offence referred to in sub-section (2) or covered in sub-section (3), of section 8] and sentenced to imprisonment for one year or more.

(2) The candidate or his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1), of section 33, also deliver to him an affidavit sworn by the candidate in a prescribed form verifying the information specified in sub-section (1)

(3) ----------

Section 125A. Penalty for filing false affidavit, etc. - A

candidate who himself or through his proposer, with interest to be elected in an election, -

(i) fails to furnish information relating to sub-section (1) o

section 33A; or

(ii) gives false information which he knows or has reason to believe to be false; or

(iii) conceals any information,

in his nomination paper delivered under sub-section (1) of Section 33A or in his affidavit which is required to be delivered under sub-section (2) of Section 33A, as the case may be, shall notwithstanding anything contained in any other law for the time being in force, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

The Conduct of Elections Rules, 1951

Rule 4A. From of affidavit to be filed at the time of delivering nomination paper. - The candidate or his proposer, as the case may be, at the time of delivering to the returning officer the nomination paper under sub-section (1) of section 33 of the Act, also deliver to him an affidavit sworn by the candidate before a Magistrate of the first class or a Notary in Form 26.

11. Though it is the case of the respondent in person that sub-

section (1) of Section 33A of the Act, 1951 requires disclosure of those pending criminal cases involving offences punishable with imprisonment for two years or more and in which cognizance has been taken by the court of competent jurisdiction, a bare reading of this section reproduced

above would show that it is not so. This section speaks of the information to be furnished in his nomination paper, apart from any information which a candidate is required to furnish under the Act of 1951 or Rules made thereunder, which relates to two kinds of criminal cases. These categories of cases are described in clause (i) and (ii) of this Clause (i) relates to pending criminal cases in which offences involved are punishable with imprisonment for two years or more and a charge has been framed by the Criminal Court. Clause (ii) comprises those criminal cases in which the candidate has been convicted of an offence and sentenced to imprisonment for one year or more, other than any offence referred to in sub-section (1) or sub-section (2), or sub-section (3), of section 8 of the Act of 1951.

12. Here, I may make it clear that the case of the respond does not relate to non disclosure of information required under clause (ii) of sub-section (1) of Section 33A. His case is about concealment o information required to be disclosed under clause (i) of sub-section (1) of Section 33A of the Act of 1951. This violation, the respondent seeks to

prove by adding to the requirement of framing of charge the requirement of taking of cognizance of an offence as of the date of filing of the nomination paper. The respondent, for this submission, seeks aid of Rule 4A of the Election Rules and amended Form 26 prescribed under this Rule.

13. A plain reading of clause (i) of sub-section (1) of Section 33A, however, leads us to a different conclusion. The disclosure i mandates is of the information in respect of only those criminal cases wherein the offences involved are punishable with imprisonment for two years or more and the charge has been framed. It speaks of no criminal cases in which charge has not been framed, but cognizance has been taken. The information so required to be disclosed by a candidate in his nomination paper is also required to be supported by and verified on an affidavit to be sworn in by the candidate in a prescribed form under sub-section (2) of Section 33A of the Act of 1951. The prescribed form of affidavit is Form 26 and it is prescribed by Rule 4A of the Election Rules. Rule 4A does no more than prescribing the form of affidavit required to be submitted by a candidate in terms of sub-section (2) of Section 33A and thus only fulfills the mandate of Section 33A (2). As such, it does not control sub-section (2) of Section 33A, rather is a tool to put into effect that a candidate is obliged to do under Section 33A (1) of the Act of

1951.

14. Rule 4A lays down that at the time of delivering t returning officer the nomination paper disclosing information as required under sub-section (1) of Section 33A of the Act of 1951 the candidate shall also deliver to him an affidavit sworn by the candidate before the

Magistrate of the first class or a Notary in form 26. Rule 4A lays down this requirement because sub-section (2) of Section 33A which is reproduced above says so. Sub-section (2) of Section 33A mandates the candidate himself or through his proposer to also deliver, at the time of submitting his nomination paper, an affidavit sworn by the candidate in a prescribed form verifying the information specified in sub-section (1) of Section 33A. So, it is clear that an affidavit which is required to be submitted along with a nomination paper under this provision of law is for the purpose of verifying the correctness of the information which is required to be disclosed mandatorily by the contesting candidate in terms of sub-section (1) of Section 33A of the Act of 1951. We have seen that it is only the kind of information that has been specified under it's two clauses, clause (i) and clause (ii), which is required to be furnished by the candidate and nothing more. We have also seen that this information does not relate to those pending criminal cases in which cognizance has been taken and it relates to only those criminal cases, as laid down in clause (i), in which

charge has been framed. Therefore, the argument of respondent in person that in terms of sub-section (1) of Section 33A of the Act of 1951 read with Rule 4A of the Election Rules and Form 26 affidavit, a contesting candidate is also required to furnish information about pending criminal cases in which cognizance has been taken is fallacious and is rejected.

15. Section 125A of the Act of 1951 imposes penalty for filing a

false affidavit. The penalty prescribed under this section is in the nature of punishment with imprisonment for a term which may extend to six months, or with fine, or with both. This penalty is invited only when a candidate fails to furnish information as required under sub-section (1) of Section 33A or knowingly gives false information or conceals any such information in his nomination paper as is required to be given under sub-section (1) of Section 33A or in his affidavit which is required delivered under sub-section (2) of Section 33A of the Act of 1951. Here, the allegation made against the revision applicant is that in the affidavit delivered by him along with his nomination paper the information about two criminal cases, Reg. Criminal Case No. 343 of 2003 and Reg. Criminal Case No. 231 of 1996, pending against the revision applicant was not furnished by him. They were the cases, it is alleged, in which offences attracted imprisonment for two years or more and though the charge was not framed, cognizance had been taken by the Criminal Court.

But, as we have seen, this is not the requirement of Section 33A (1) of the Act of 1951. To constitute an offence under Section 125A of the Act of 1951, what is required is that false information must be given knowing it to be false or there should be failure to furnish such information or concealment of such information as is required to be given under sub-section (1) and such folly must occur either in the nomination paper or the affidavit delivered as per sub-section (2) of Section 33A of the Act of 1951 or both.

16. This can be seen and understood unhesitatingly upon reading Section 125A of the Act of 1951 as a whole. Failure to furnish information or knowingly giving false information or concealing information are all the acts, as this provision of law lays bare before us, which are related to not just any kind of information but to t information as is required to be disclosed under sub-section (1) of Section 33A. This is because of the specific words used in Section 125A to the effect - ".... in his nomination paper delivered under sub-section (1) of Section 33A or in his affidavit which is required to be delivered under sub-section (2) of Section 33A, as the case may be...". It must be noted here that sub-sections (1) and (2) of Section 33A of the Act of 1951 speak of disclosure of information specified in clauses (i) and (ii) of sub-section (1) of Section 33A and verification of that disclosure in prescribed

form of an affidavit respectively. In this backdrop, if one peruses the affidavit submitted by the revision applicant, one would find that he concealed no information which he was obliged to disclose under sub-section (1) of Section 33A of the Act of 1951.

17. Rule 4A of the Election Rules, we have seen, by prescribing the form of affidavit, only gives effect to the command of sub-section (2) of Section 33A of the Act of 1951. As such, Rule 4A does not and being a delegated piece of Legislation, cannot dominate the substantive

provision of law which is Section 33A of the Act of 1951. So, Rule 4A cannot be understood as prescribing something more which is not the requirement of sub-section (1) of Section 33A of the Act of 1951 and even if it does, the additional requirement cannot be read as the requirement of sub-section (1) of Section 33A of the Act of 1951, which is mandatory in its nature and which when breached, would constitute an offence punishable under Section 125A of the Act of 1951. Whenever any additional information, not specified in sub-section (1) of Section 33A, is required to be given in the affidavit in Form 26, and is not given, the breach does not violate Section 33A (1) of the Act of 1951 and hence, does not amount to an offence under Section 125A of the Act of 1951.

18. In the present case, the complaint is about concealment of

information of two pending criminal cases being Regular Criminal Case No. 343 of 2003 and Regular Criminal Case No. 231 of 1996 which related to the offences prescribing punishment for more than two years and which were the cases in which, admittedly, no charge was framed but only cognizance was taken by the concerned criminal court. However, these are not the cases contemplated under clause (i) or even clause (ii) of sub-section (1) of Section 33A of the Act of 1951 and, therefore, there was no requirement on the part of the revision applicant to ha disclosed pendency of these two criminal cases in the affidavit filed in Form 26 by him along with his nomination paper. After all, such

affidavit, as laid down in sub-section (2) of Section 33A of the Act of 1951 is for the purpose of "verifying the information specified in sub-section (1)" of Section 33A and when this provision of law mandates no disclosure of those pending criminal cases in which charge has not been framed and only cognizance has been taken, there remains no need to verify by stating in an affidavit something not required by the substantive provision of law to be stated. This is what the affidavit submitted by the revision applicant along with his nomination form did and in my view, it violated neither sub-section (1) of Section 33A nor Section 125A of the Act of 1951. This would make me hold that prima-facie, no offence punishable under Section 125A of the Act of 1951 has been made out in this case against the revision applicant.

19

19. The respondent in person invited my attention to prescribed form of the affidavit in Form 26 which, according to him, was amended in the year 2012, in order to buttress his case as to how re applicant brazenly violated sub-section (1) of Section 33A and Section 125A of the Act, 1951. I have gone through the relevant portions of Form 26 affidavit with his assistance. There is indeed a clause therein which requires disclosure by the candidate of pending criminal cases in which cognizance has been taken by the Court. The respondent in person also took me through the copy of the affidavit delivered by the revisio applicant along with his nomination paper. In the copy of the affidavit available on record of the case there is no mention about two criminal

cases being RCC No. 343 of 2003 and RCC No. 231 of 1996. But the question is whether failure to furnish information about these two pending cases would be an offence punishable under Section 125A of the Act of 1951 or not. To my mind, the answer is a clear no for the reason that it is not the requirement of sub-section (1) of Section 33 information about such criminal cases be disclosed nor is it the requirement of sub-section (2) of Section 33A to make any verification of such information by stating it in an affidavit. The verification of information upon an affidavit has to be done in respect of the disclosures required under clauses (i) and (ii) of sub-section (1) of Section 33A and no more insofar as an offence under Section 125A of the Act of 1951 is

concerned. A criminal case in which cognizance has been taken is not the one which is included in either of these two clauses of sub-Section (1) of Section 33A. Therefore, failure to furnish information about pending criminal case in which cognizance has been taken and no charge has been framed, as is the case here, does not amount to commission of any offence under Section 125A of the Act of 1951.

20. Apart from what is said above, Rule 4A of the Election Rules is only a delegated piece of legislation and so can command disclosure of only so much of information as is mandated by a substantive provision of law and whenever it directs to disclose some additional information not required under Section 33A of the Act of 1951, it does so for some other

purpose and certainly not for the purposes of Section 33 A and Section 125A of the Act of 1951. In other words, non-disclosure of such additional information would be beyond the bounds of an offence punishable under Section 125A of the Act of 1951.

21. Respondent in person submits that there is an opinion of the Election Commission that failure to furnish such additional information is also an offence under Section 125A. I must say that the opinion, if it is there, is beyond the scope of Section 33A and Section 125A of the Act of 1951 and and as such is incorrect. In any case, it is not binding on this

Court.

22. These aspects of law have been properly considered by the learned Magistrate when he found that no prima facie case was made out to proceed further for an offence under Section 125A of the Act of 1951 against the revision applicant. The order of the learned Magistrat disagreeing with the view expressed by the learned Sessions Judge, must be said to be a well reasoned order. I do not understand as to how such an order could have been described as a cryptic order and dealt with in disdain by the learned Sessions Judge. For an order to be reasoned, it is not necessary that it must run into several pages. Reasons can be stated and best reasons have always been stated in an order which is sh precise and succinct. To know the reasons, all that is required

discerning eye, which looks for the meaning of the words rather than the number of words used. Sometimes, even the long orders do not contain any reasons. But, as I understand, it is not the length of the order but the strength of analysis and logic contained in an order which determines its character. The learned Sessions Judge, however, has missed this basic attribute of a reasoned order and thus committed a perversity in finding something in the order of the learned Magistrate which was not frailty.

22

23. The learned Sessions Judge has, without any rhyme reason, also said that the trial Court failed to consider the other relevant provisions when she observed, ".....However, for reaching at the final conclusion, the learned trial Court has skipped from consideration the other relevant provisions like Section 33-A (2) and (3), Section 125-A, Rule 4-A and Form 26 of the Conduct of Election Rules, 1961 and also the object of insertion of Sections 33-A and 125-A in the said Act in 2002 and the amendment of Form 26 in 2012 etc.". As a matter of fact, all relevant provisions were indeed considered by the learned Magistrate and as stated earlier, the provisions made in Rule 4A or amended Form 26 of the Election Rules would not and do not go beyond substantive provisions of law and, therefore, there was no further need to have considered those provisions de hors the provisions of substantive law. Similarly, the object of Section 33A and Section 125A of the Act of 1951, as an external aid of

interpretation, was not required to be considered, in view of the first and foremost rule of interpretation of Statutes which is a literal rul construction, with the language of these two provisions of law bei plain and clear leaving no ambiguity of any nature in one's mind while reading them. In this regard, I would like to draw strength from the law settled by the Hon'ble Apex Court in the cases of M/s Hiralal Ratan Lal v. The Sales Tax Officer and anr reported in AIR 1973 SC 1034 and Lt. Col. Prithi Pal Singh Bedi v. Union of India and ors reported in (1982)

3 SCC 140. This is another illegality committed by the learned Sessions Judge.

24. The learned Sessions Judge, it is further seen, commit one more illegality, a serious illegality, in directing the revision applicant, an accused in a criminal complaint case filed against him by the respondent, to appear before the Court of learned Magistrate while directing the learned Magistrate to consider the matter afresh. Th direction made the revision applicant appear before the learned Magistrate even before any process was issued against him by the learned Magistrate and thus converted the whole proceeding before the magistrate into a farce, leaving virtually no discretion with the Magistrate under Section 202 or Section 203 of Cr. P. C.

25. Such an order of the learned Sessions Judge cannot sustain

the scrutiny of law. It deserves to be quashed and set aside by confirming the order dated 7.9.2015 passed by the Judicial Magistrate, First Class (Court No. 6), Nagpur.

ORDER

1) The revision application is allowed.

2) The impugned order dated 30.5.2016 passed by the Sessions Judge, Nagpur in Criminal Revision No. 250 of 2015 is quashed and set aside and order passed by the Judicial Magistrate, First Class (Court No. 6), Nagpur on 7.9.2015 in Misc. Criminal Application No. 3550 of 2014 below Exhibit 1 is hereby confirmed.

Rule is made absolute in the above terms.

S . B. Shukre, J joshi