

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (Cr.) No. 371 of 2018

Mathias Vijay Toppo

.... Petitioner(s).

Versus

1. The State of Jharkhand
2. The Director General of Police, Govt. of Jharkhand having office at Project Building PO Dhurwa PS Jagarnathpur, Ranchi
3. Secretary, Dept. of Personnel, Administrative Reforms and Rajbhasa Dept. Govt. of Jharkhand having office at Project Building PO Dhurwa PS Jagarnathpur, Ranchi
4. Deputy Commissioner, Ranchi having office at Administrative Building, Kutchery Road, PO GPO PS Kotwali Dist. Ranchi Respondent(s)

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

THROUGH : VIDEO CONFERENCING

FOR THE PETITIONER(S) : Mr. R. Kirshna, Advocate

Mr. Amit Kumar Sinha, Advocate

FOR THE STATE

: Mr. Ashok Kumar, AAG

04/30.06.2020

Heard learned counsel for the parties through video conferencing. They have no complain with respect to the audio and video clarity and quality.

2. In this application, petitioner has prayed for a direction upon the respondent to lodge an FIR for investigating into the forgery made in various records of SAR Court, Ranchi which the petitioner has dealt with, while he was posted as SAR Officer in Ranchi.

3. Petitioner was posted as Officer in SAR Court and was dealing with records of SAR Cases (Scheduled Area Regulation Cases). There is allegation against the petitioner that he disposed of several matters illegally and without following the norms, a departmental inquiry was initiated. The issues involved in the departmental inquiry is absolutely different, which has got nothing to do with the order which I am intending to pass.

4. The claim of the petitioner is that in some of the records forgery was committed and he claims that even signature in the order which he has passed does not belong to him. There is serious allegation that the records are tampered with and in those records forgery has been committed. He submits that this fact was brought to the knowledge of the authorities but the authorities kept mum.

He submits that Judicial Records have been tampered with which is a very serious issue and needs immediate lodging of an FIR, but the State sat over the same for the reasons best known and did not even permit him to proceed and allow him to register a FIR. He submits that he made representation but all in vain. In support of his submission that there was some tampering with the Judicial records, he refers to a letter annexed with the counter-affidavit, being letter No. 273/Ra dated 22.12.2017 written by Additional Collector, Ranchi to Joint Secretary Personnel, Administrative Reforms Department & Rajybhasa Department, Jharkhand Government, Ranchi. By referring to paragraphs no.2, of the said letter, he submits that the officer had visited the SAR Court and had gone through the records and Trial Register but found that 59 records out of 68 were not even recorded in the Trial Register and does not have even bear the signature of the officer concerned.

5. Surprisingly the State is opposing registering of FIR. Learned APP opposes registering of FIR, for reasons best known. The attitude of State is not understood by the Court. State cannot opposes registering of an FIR, when there is an allegation of interpolation in Judicial records and there is allegation of forgery. It is the duty of the State in these circumstances to see that an FIR is lodged, but in this case the Additional Advocate General opposes lodging of FIR.

5. The Hon'ble Supreme Court in the case of *Ramesh Kumari Vrs. State (NCT) Delhi and Ors.* reported in (2006) 2SCC 677 has held that when a cognizable offence is made out and commission of the same has been complained of, before the police, the police cannot refuse to register a FIR. Credibility of the information is not a condition precedent for registering a case. Further in this case taking the face value of the statement made by the petitioner the allegation levelled which is of tampering of court records and forging signature definitely makes out an offence under the IPC. These allegation needs to be investigated.

6. As per the counsel for the petitioner these 59 cases which were not even registered in the Trial Register has shown to be disposed by making forgery.

7. The submission what the petitioner has made is serious in nature. The records which are judicial in nature, if the submission of the petitioner is correct, has been tempered with. This is a very serious issue.

8. Considering the allegation which has been levelled, I direct the Director General of Police, Ranchi to look into the matter and get a FIR register on the complaint made by this petitioner immediately and proceed to investigate the allegation in accordance with law.

9. The application stands disposed of with the aforesaid observation.

10. Let a copy of this order be communicated to the Chief Secretary, Govt. of Jharkhand and Director General of Police, Jharkhand.

(ANANDA SEN , J)