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CRR-4644-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 4644 of 2025*RAMESHCHANDRA**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Vishal Patidar, learned counsel for the petitioner.

Shri Ambuj Patel, learned GA for the respondent/State.

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HEARD ON : 11.03.2026

POSTED ON : 18.03.2026

ORDER

This criminal revision under Section 438 r/w 442 of the BNSS, 2023 is preferred being aggrieved by the judgment dated 29.04.2025 in Criminal Appeal No.981/2025 by the Third Additional Session Judge, Neemuch (M.P.) arising out of judgment dated 11.03.2025 in RCT No.1112/2023 by the Judicial Magistrate First Class, Neemuch, District Neemuch whereby the revision petitioner/accused has been convicted under Sections 420 & 406 of the IPC and has been sentenced to undergo R.I. for 3-3 years with fine of Rs.2,000 - Rs.2,000/- with default stipulation of 3-3 months. All the substantive sentences have been ordered to be run concurrently.

02. The facts of the case in brief are that the revision petitioner impersonated as former official of Collectrate, Neemuch and having connection with higher authorities, and persuaded the aspirants of Sahayak Samparikshak, Patwari & other post Combined Recruitment Test - 2022



conducted by the Employees Selection Board, Bhopal (M.P.) to provide Rs.2,00,000/- per candidate with the assurance that he will secure the appointment and received an amount of Rs.2,00,000/- each from Nitesh Mali (PW-1), Sunita Dhakad (PW-2), Ashok (PW-3), Naveen Mahavar (PW-4), Teena (PW-5) and Jai Patidar (PW-10). The F.I.R. was lodged on 22.10.2023 and Crime No.612/2023 was registered at the Police Station Neemuch City, Neemuch. Concluding the investigation, the final report was submitted to the Court of Judicial Magistrate First Class, Neemuch.

03. Revision petitioner abjured his guilt and claimed for trial. To bring home the guilt, prosecution examined as many as 10 witnesses, including six victims from whom the revision petitioner/accused received an amount of Rs.12,00,000/-.

04. In examination under Section 313 of the Cr.P.C., 1973, the revision petitioner/accused either denied or expressed ignorance regarding the facts and circumstances appearing against him in the prosecution evidence. Defence of false implication was raised, submitting that the witnesses have grudges against him. He has been implicated due to ill will. The trial Court convicted and sentenced the appellant, and the appellate Court affirmed the conviction as well as the sentence of the appellant as mentioned in para 1 of the order.

05. This criminal revision is preferred on the ground that the trial Court as well as the appellate Court ignored the contradictions in the statements of the witnesses and the documents collected during the investigation.



Heard.

06. Learned counsel for the respondent/State has opposed the revision petition and prayed for its dismissal.

07. All the victims i.e Nitesh Mali (PW-1), Sunita Dhakad (PW-2), Ashok (PW-3), Naveen Mahavar (PW-4), Teena (PW-5) and Jai Patidar (PW-10), to whom the revision petitioner/accused had made an offer for securing job, have supported the prosecution case and as per the seizure memo (Exhibit-P/35), the admit cards of the victims were recovered from the possession of the revision petitioner/accused. Accordingly, the findings of the trial Court, as affirmed by the appellate Court that the revision petitioner/accused received an amount of Rs. 12,00,000/- from these victims, i.e., PW-1 to PW-5 and PW-10, along with Yash Dhakad (PW-6), on the assurance that he would secure their appointment in the examination of Sahayak Samparikshak, Patwari & other posts of the Combined Recruitment Test - 2022 conducted by the Employees Selection Board, Bhopal (M.P.) are based on proper appreciation of prosecution evidence and requires no interference.

08. In view of the aforesaid findings, the offence alleged against the present petitioner/accused squarely falls within the ambit of Section 420 of the IPC. However, in light of the judgment in *Delhi Race Club (1940) vs. State of U.P.*, reported in (2024) 10 SCC 690, the offences of criminal breach of trust and cheating cannot co-exist, and therefore, both charges cannot be sustained simultaneously. Accordingly, in the light of *Arshad Neyaz Khan vs. State of Jharkhand & Anr.*, reported in 2025 SCC OnLine



SC 2058 & Delhi Race Club (supra), the conviction and sentence under Section 406 of the IPC cannot be sustained. The conviction of the appellant under Section 420 of the IPC is accordingly maintained, but the conviction as well as the sentence under Section 402 of the IPC is set aside.

09. Cheating with students on the assurance of securing employment in public offices is a serious offence. In the present case, a lenient view cannot be adopted. The sentence imposed under Section 420 of the IPC is proportionate. Accordingly, no interference with the conviction or sentence under Section 420 of the IPC is required. Therefore, this revision petition is *partly allowed*, and the revision petitioner/accused, Rameshchandra, is acquitted from the charges under Section 406 of the IPC. His conviction and sentence under Section 420 of the IPC is maintained.

10. In view of the above, the present revision petition stands disposed of.

11. Copy of the order be supplied to the revision petitioner through Superintendent of the concerned Jail. Supersession warrant be prepared accordingly.

12. Pending application, if any, stands closed.

13. A copy of this order alongwith the record be sent back to the learned trial Court.

(GAJENDRA SINGH)
JUDGE

VS