

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.17 OF 2015

Pravin Manilal Sanghavi .. Petitioner
-Versus-
State of Maharashtra & Anr. .. Respondents

Mr.J.D.Khairnar for petitioner
Mr.V.B.K.Deshmukh APP for State.

CORAM : M.L.TAHILIYANI, J.

DATE : 7th January 2015.

P.C.

1] Heard the learned Advocate for petitioner and Mr.Deshkukh, learned APP for State.

2] The petitioner is the complainant in F.I.R. No.242 of 2014 of Faraskhana Police, Pune City. There are in all four accused against whom charges for the offences punishable under sections 420, 468, 471, 406, 403 and 120(B) read with 34 of Indian Penal Code are made. The petitioner had allegedly given Rs.2 Crores to the accused Nos. 1 to 3 for developing a particular land which belonged to them. It was agreed that 40% of the sale proceeds after

development will be given to the complainant by the accused Nos. 1 to 3. It was further agreed that if the development could not take place, the accused Nos. 1 to 3 would give Rs.4,91,00,000/- to the petitioner. The petitioner alleges that instead of developing the land or compensating the petitioner, the accused Nos. 1 to 3 with the help of accused No.4, transferred the land to third party.

3] The accused No.4 is a practicing Advocate. It is alleged that he gave false search report indicating thereby that the property held by the accused was free from encumbrances.

4] The petitioner is aggrieved by the order of the Magistrate directing magisterial custody for the accused No.4 (respondent No.2) and further grant of bail to the respondent No.2 on the same date.

5] I have gone through the impugned order. The custody of the respondent No.2 was required only for the recovery of search report. The respondent No.2 had stated before the Magistrate that the search report had already been handed over to the police. This fact

is not denied by the petitioner.

6] In view thereof, further custody of the respondent No.2 was not found necessary by the Magistrate. In this regard, it may also be noted here that prima facie there does not appear to be any charge over the property of the petitioner. It is, therefore, doubtful whether the search report, as alleged, was not correct. In these circumstances, I do not find any fault in the order of the Magistrate. The petition is summarily dismissed.

(M.L.TAHILIYANI, J.)