

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 314 OF 2016

NAYUMKHAN S/O MASJIDKHAN PATHAN AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr B R Kedar
APP for Respondents: Mr D R Kale
Advocate for Respondent 2 : Mr V A Bagdiya

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CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.

Dated: June 22, 2016

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PER COURT :-

1. The applicants before the Court are accused nos. 3 and 4 of Crime No.1/2016 registered with Basamba Police Station, District Hingoli. It was alleged that on 21.12.2015 accused nos. 1 and 2 made a false representation to Kundlik-victim that, they would take him to a Hospital at Hingoli. On such representation, Kundlik accompanied them. Accused nos. 1 and 2 then took Kundlik to the Registrar Office where Kundlik apparently executed a sale deed in presence of the applicants, who knew Kundlik since beginning and, acted as witnesses for the transaction. Land is transferred to accused no.1. After going through the

statement of Kundlik, who is victim of the alleged crime, we formed an opinion that, at least as against the applicants offence punishable u/s 420 read with section 34 of the Indian Penal Code or abetment to cheating is not made out. There is nothing on record to indicate that the applicants shared common intention of alleged cheating of Kundlik by accused nos. 1 and 2. We are, therefore, inclined to quash the proceedings as against the applicants.

2. Application is allowed in terms of prayer clause '**B**'.
Application stands disposed of.

(**V.K. JADHAV, J.)**

(**A.V. NIRGUDE, J.)**

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aaa/-