

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 617 OF 2015

Pandharinath Namdeo Katore and anr. ... Petitioners

vs.

State of Maharashtra ... Respondent

Ms. Gauri Jadhav i/by Mr. Tushar Jadhav, Advocate for the petitioners.

Mr. Deepak Thakare, Additional Public Prosecutor for the State.

Coram : Smt. R. P. SondurBaldota, J.

Date : 8th February, 2016.

P. C. :

1. This petition challenges the order dated 11th December, 2014, of the Sessions Court rejecting the petitioners revision application. The petitioners are original accused Nos.9 and 10. The revision application filed by them was against the order of the trial Court dated 7th July, 2007, by which their application seeking discharge was dismissed. According to the petitioners, the material on record against them is not sufficient to frame charges against them. The Courts below have given a concurrent prima facie finding of availability of sufficient material pointing out finger of accusation to the petitioners.

2. On 3rd March, 2007, C. R. No.39 of 2007 was registered against the petitioners and seven other persons for the offences punishable under Section 467, 468, 471, 420 r/w 34 I.P.C. at the instance of one Janabai Sandbhor. She had filed suit for partition of joint family property. That suit was decreed and the appeal against the decree had also been dismissed. She alleges that thereafter, accused No.7 and petitioner No.1 approached her on 9th December, 2006 informing her that Advocate Gundal had called her to his office. On 13th December, 2006 when the complainant went to the advocate, she was informed by him that the defendants to the suit for partition had appealed to the High Court and affidavit on behalf of the complainant and her mother was required for the purpose. The complainant then accompanied accused No.7 and petitioner No.1 for purchase of three stamp papers of the value of Rs.100/- each and took them to Advocate Gundal. He obtained her thumb impression on the stamp papers and asked her to get the thumb impression of her mother. Accordingly, the complainant got thumb impressions of her mother on stamp papers and handed over the same to accused No.7 and the petitioners. On 14th December, 2006, the complainant narrated the events to her Constituted Attorney, and went along with the constituted attorney to the office of Advocate Gundal. She enquired with the Advocate

Gundal about the stamp papers. Advocate Gundal claimed that the stamp papers and blank papers with the thumb impression of the complainant and her mother had not been received by him. It was later revealed that the stamp papers had been used by all the accused persons for preparing an agreement for relinquishment of the rights of the complainant and her mother for the consideration of Rs.9,50,000/-. Thereafter, on 3rd March, 2007, the complainant approached the police with her complaint.

3. The trial Court rejected the application of the petitioners with an observation that there was no substance in the contention that the material on record was not sufficient to frame charges against them. This order has been confirmed by the Sessions Court. The allegations made in the complaint are sufficient in themselves to indicate the role played by petitioner No.1, who was allegedly involved in it right from the beginning. As regards petitioner No.2, he claims that he has signed the document only as a witness and is not concerned with the transaction therein. It is also claimed by both the petitioners that they have not received any property or any amount under the partition decree.

4. Perusal of the complaint, the order of the trial Court and the order of the Sessions Court make it clear that there is sufficient material on record for framing of charges against the

petitioners. As regards the allegations of actual role in the forgery of the documents, the same would be a matter of evidence. Hence, there is no infirmity in the impugned orders. The petition is dismissed.

[Smt. R. P. SondurBaldota, J.]