

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3415 OF 2014

Moin Haider Bijali Khan & Anr. ... Petitioners
Vs.
The State of Maharashtra ... Respondent

Mr. Kuldeep Patil i/b. Mr. Shailesh D. Chavan, Advocate for the petitioners.
Mr. V.B. Konde-Deshmukh, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **6th December, 2016**

P.C.:

This Writ Petition is filed challenging the order dated 17th February, 2014 passed by the learned Sessions Judge, Satara and the order dated 12th December, 2011 passed by the Judicial Magistrate First Class, Mahableshtar thereby rejecting the prayer of discharge made by the present petitioners.

2. The complainant has paid Rs.36 lakhs by cheque to the petitioners and other accused for the purpose of construction of property, as assurance of construction was given by the petitioners and other accused. The amount was paid in the year 1998. In 2001 it was informed by the petitioners and other accused that they would be returning the money, as they could not construct a bungalow. However, till lodging of FIR, no amount was paid.

3. Perused the orders of learned Magistrate and learned Sessions Judge, who have taken a concurrent view that there is a material to frame charge under section 420 r/w. 34 of Indian Penal Code against the petitioners and other accused. I do not find any illegality in the impugned orders. Hence, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)