

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.24/2016

(Lalchand s/o Chhedilal Kushwaha ..vs.. The State of Maharashtra, through PSO
P. S. Gondia (City), Dist. Gondia)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P. C. Tiwari, Advocate for applicant.
Mr. Bangadkar, A.P.P. for non applicant-State.

CORAM : A. B. CHAUDHARI, J.

DATE : JANUARY 28, 2016

Heard learned counsel for the rival parties.

Perused the case diary.

The applicant was not only a witness to the sale deed but had also entered into an agreement with Mrs. Lata. Following portion from paragraph 3 of the reply filed by the State is relevant, which I quote as under:

“3. It is submitted that, after receiving report from complainant, the Investigating Officer has recorded the statements of the relevant witnesses. The Investigating Officer had visited the residence of accused persons, to search out the documents, but the applicant and other co-accused could not found on the said address. During the course investigation the Investigating Officer has collected the relevant documents i.e.

registered sale deed dated 11.07.2011, the agreement to sale has been executed between the complainant namely Rakesh Gupta and Lalchand Kushwaha (applicant) of dated 14.07.2010, the second agreement is also collected by the Investigating Officer which was executed between Lalchand Kushwaha and Ravindra Nagpure of dated 18.03.2010 and another agreement i.e. third agreement sale has been executed between Ravindra Nagpure and dummy Lata Nehate of dated 13.03.2010. The Investigating Officer has also collected the two cheques worth Rs.4,00,000/- and 3,50,000/- which were not honor after presented in the bank. During the course of investigation the Investigating Officer has recorded the statements of the complainant and his wife namely Rajkumari Gupta.”

The trial Judge in the impugned order states that the custodial interrogation of the applicant is necessary since he was the person responsible for the execution of the entire act of fraud. The statement of the complainant clearly shows that the present applicant along with one Ravindra Nagpure played fraud on the complainant and after having realized about their fraud being unearthed, attempted to approach the complainant with cheques

in the sum of Rs.4,00,000/- and Rs.3,50,000/-.
Prima facie, the said fact is consistent with their guilt.

In view of above, I find no substance in
the present application. Hence, following order is
passed.

ORDER

Criminal Application No.24/2016 is
rejected.

JUDGE