

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

CRIMINAL WRIT PETITION NO.533 OF 2016

TRIPURNENI SUBHASHCHANDRAJI BOSE

..VS..

STATE OF MAHARASHTRA, THR. POLICE STATION OFFICER, POLICE STATION
MOUDA, NAGPUR AND ANOTHER

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

Court's or Judge's Order

Shri R.P. Thote, counsel for the petitioner.
Shri O.K. Masurkar, counsel for respondent No.2.
Shri R.S. Nayak, Addl.P.P. for respondent No.1/State.

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA K. JAIN, JJ.
DATED : DECEMBER 19, 2016.

Heard learned counsel Shri R.P. Thote for the petitioner, learned counsel Shri O.K. Masurkar for respondent No.2, and learned Additional Public Prosecutor Shri R.S. Nayak for respondent No.1/State.

Learned Additional Public Prosecutor Shri R.S. Nayak and learned counsel Shri O.K. Masurkar point out that on the basis of agreement for sale on which signature is claimed to be forged, a suit for specific performance is already decreed and on the basis of that decree, a sale deed is also executed by the Court in favour of respondent No.2. Thereafter, the present petitioner has filed Regular Civil Suit No.133 of 2016 for setting aside that sale deed. As such, till the civil court decides the controversy properly, cognizance of such

grievance cannot be taken.

Learned counsel Shri R.P. Thote disputes this. According to him, a forged document was used to mislead the Court and that decree, thereafter, has been executed to the prejudice of the present petitioner. Hence, offence has taken place. He also claims that the petitioner is in possession.

After hearing respective learned counsel for the parties, it appears that assailing *ex parte* decree of specific performance, Regular Civil Suit No.133 of 2016 came to be filed. Temporary injunction was sought for in that suit and against its rejection, the misc. civil application is now before the District Court. Learned counsel Shri R.P. Thote submits that orders of *status quo* are operating in that appeal. We need not go into these niceties.

Without commenting on merits of the controversy and with liberty to the petitioner to raise his grievance at appropriate juncture, in accordance with law, we dispose of the present petition. No costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

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(Personal Assistant)

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