

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

CRIMINAL APPLICATION (APL) NO. 571 OF 2016

(SUNIL SITARAM AMBEKAR..VS..STATE OF MAH. THR. PSO PS AJNI & ANR.)

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

Court's or Judge's orders

Shri P.S.Khubalkar, Advocate for Applicant.
Shri V.A.Thakre, A.P.P. for Respondents.

CORAM : B.P.DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : NOVEMBER 25, 2016.

Heard for sometime.

In a chargesheet presented to Court in the year 2006 evidence was not recorded practically for ten years. It appears that very recently two witnesses have been examined. The accused therein has filed present proceedings under Section 482 of the Code of Criminal Procedure on 10th August, 2016 for quashing on the ground that allegations in the chargesheet do not make-out any offence against him.

We have heard the learned counsel who has attempted to demonstrate that the scheme under Sections 20 and 21 of the Urban Land (Ceiling and Regulation) Act, 1976 was sanctioned in September, 1987 and violation if any was done by the then land owner Shri Mukundrao Moreshwar Ringangaonkar, now deceased. He did certain acts during his lifetime and expired. The property was inherited by his heirs and they executed power of attorney in favour of one of the heirs, that heir in turn executed power of attorney in favour of the applicant in 1996.

The submission, is thus, all transactions were already over when this power of attorney was executed and the applicant before this Court has discharged his obligations only in terms of that power of attorney.

The learned Additional Public Prosecutor is opposing the arguments. He submits that in power of attorney, the order of State Government sanctioning scheme is specifically mentioned.

The challenge as raised is after more than ten years. In these circumstances, we are not inclined to go into the rival contentions. All the defences available to the applicant are kept open. We refused to entertain the grievance.

The application stands **rejected**.

JUDGE

JUDGE