

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

CRIMINAL APPLICATION (APL) NO.626 OF 2016

Balkarsingh s/o Jaswantisingh Gujjar, Sushila Co.Op. Hsg. Society, Sugat Nagar, Nagpur

-vs-

State of Maharashtra, Thr. Incharge Police Station, Jaripatka, Nagpur and anr.

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

Court's or Judge's Orders.

Shri A. Shelat, Advocate for applicant.

Shri S. D. Sonak, Addl.PP for respondent No.1/State.

Shri S. K. Khungwani, Advocate for respondent No.2.

**CORAM : B. P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.**

DATE : December 06, 2016

1. Matter is being looked into by this Court since last two-three days. Applicant and non-applicant No.2 (original complainant) are also present before the Court.
2. Advocate Shri Shelat for applicant and Advocate Shri Khungwani, for original complainant state that allegation is of executing sale-deed by impersonation. That sale-deed is accepted to be binding upon him by complainant and therefore offence does not survive. Matter is amicably settled between the parties.
3. Learned Addl. Public Prosecutor submits that along with applicants, there are two other accused

persons and they are absconding. He further relies on averments in paragraph 3 of reply affidavit filed by Investigating Officer to urge that when arrest was made on 19/12/2014 and sale-deed was seized, compromise was not pointed out to him. Learned Addl. Public Prosecutor points out that said compromise is alleged to be dated 19/08/2014 i.e. four months prior to arrest.

4. In this situation as charge-sheet is presented against all accused persons and two of them are still absconding, we cannot accept compromise only qua the present applicants. Hence without observing anything on merits and with liberty to parties to take appropriate steps before the trial Court as are available in law, we dispose of present application with no order as to costs.

JUDGE

JUDGE