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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.247 OF 2017**

Girija Prasad Dubey

... Applicant

vs.

The State of Maharashtra & Anr.

... Respondents

Mr. Ashok Kumar Mishra for the Applicant.

Mr. V. B. Konde-Deshmukh, APP, for the Respondent-State.

CORAM : A.K. MENON, J.

DATE : 2nd AUGUST, 2017

P.C.

1. By this revision application, the applicant has called into question an order dated 18th January, 2017 passed by the Additional Sessions Judge in criminal revision application no.468 of 2015. In the said revision application, the applicant had sought to challenge an order dated 18th February, 2014 passed by the Metropolitan Magistrate Court in C.C. no.16 of 2012.
2. The applicant herein had filed the complaint under Section 420, 405, 406 read with Section 34 and 114 of Indian Penal Code. According to him, he is entitled to permanent alternate accommodation in SRA Scheme and accused no.2 was incorrectly shown as being entitled to the disputed premises. It is his case and submitted by the learned counsel for the applicant that his name was shown to Annexure-II as of 13th February, 1997 at sr.no.130. However, in the subsequent allotment as recorded annexure-II dated 30th July, 1998 his name was not shown and the name

of Asha Chipkar – accused no.2 has been shown. He states that this allotment in favour of the said Asha Chipkar is incorrect and contends that the respondent no.2 developer is liable to be proceeded against. According to him one Babulal Mulchand Varma, Director of the developer is responsible for having committed offences punishable under Section 402, 405 and 406.

3. Having heard the learned counsel for the applicant, it is not in dispute that the name of Asha Chipkar also appeared at sr.no.130 in the Annexue II issued in the year 1997. At sr.no.130 the names of the applicant and Asha Chipkar appeared. The impugned order has found that the dispute if at all is of a civil nature and in any event the order of the competent authority allotting the subject flat to the said Asha Chipkar would be subject matter of challenge in appropriate proceedings.
4. The learned counsel for the applicant is unaware whether any such proceedings have been adopted. I have perused impugned orders more particularly paragraph 19 and 20, I find no reason to interfere with the impugned order. Hence I pass the following order:-
 - (i) Application is dismissed.
 - (ii) No orders as to costs.
 - (iii) In the event the applicant has adopted any other proceedings the same shall be dealt with in accordance with law uninfluenced by observations in this order.

(A. K. MENON, J.)