

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4129 OF 2014**

Rasheed Sorab Ardeshir

... Petitioner

**vs.**

State of Maharashtra & anr.

... Respondents

Mr. Girish Kulkarni i/by Maitraya G. Shukla & Madhusudan Pareek, Advocate for the petitioner.

Mr. V. V. Gangurde, A.P.P. for the State/respondent no.1.

Mr. Hrishikesh Mundargi a/w Ms. Karishma Shirke i/by Gordhandas & Forzdar, Advocate for respondent no.2.

**Coram :** Smt. R. P. SondurBaldota, J.

**Date :** 9<sup>th</sup> January, 2017

**P.C. :**

**1.** The petitioner along with one Jamnadas Chandan and others is an accused in R.C.C.No.200 of 2012 for the offences punishable under Sections 417, 419, 420, 468 r/w 34 of Indian Penal Code. He had filed application (Ex.41) for discharge. The trial Court dismissed that application by its order dated 13<sup>th</sup> January, 2014. Being aggrieved by the order he approached the Sessions Court with Revision Application No.35 of 2014. His revision application was dismissed by the order dated 22<sup>nd</sup> August, 2014. Therefore he has approached this Court.

**2.** The brief statement of facts leading to the present petition is as follows :

Accused Jamnadas Chandan had got himself acquainted with respondent no.2 by offering professional

services like survey of land, scrutiny of documents concerning land etc. In the year 2007 he offered to sell the land at Survey No.108/1A admeasuring 2120 sq. mtrs. belonging to one Milind Shahapurkar to respondent no.2. On 17<sup>th</sup> September, 2007 Jamnadas Chandan got one Gurunath Mhatre to impersonate as Milind Shahapurkar before respondent no.2 for execution of the Sale Deed in respect of the said land. After execution of the Sale Deed, respondent no.2 paid a sum of Rs.19,50,000/- to Jamnadas Chandan. Thereafter the same person i.e. Gurunath Mhatre impersonated himself as Milind Shahapurkar in the office of the Sub-registrar for registration of the document and the document came to be registered. The petitioner was not originally named in the complaint filed by respondent no.2. He has been implicated therein during the course of investigation.

**3.** Mr. Kulkarni, the learned advocate for the petitioner submits that there is nothing on record to connect the petitioner to the offences disclosed in the complaint. The petitioner was not a party to the deception at all. He submits that all that the petitioner had done was to identify the complainant himself in the document of sale i.e. the Sale Deed. Therefore he ought to have been discharged by the Courts below.

**4.** Perusal of the impugned orders shows that the Courts below have noted the supplementary statement of respondent no.2 that in the office of the Sub-registrar the petitioner had introduced Gurunath Mhatre as Milind Madhav Shahapurkar to him. The record also shows that the cheque for the consideration issued in the name of Milind Shahapurkar was signed not only by Jamnadas Chandan but also by the petitioner

herein. On the basis of this material on record the Courts below have refused discharge to the petitioner.

**5.** The material noted above is sufficient to proceed for prosecution against the petitioner. Hence there is no infirmity in the impugned order. The petition is consequently dismissed.

**[Smt. R. P. SondurBaldota, J.]**