

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4340 OF 2015**

Abdulla Ibrahim Aaklekar .. Petitioner.

Vs.

Ankush Laxman Salve & Ors. .. Respondents.

Mr.M.Saeed for the Petitioner.

Mr.A.D. Kamkhedkar APP for the Respondent-State.

CORAM : A. K. MENON, J.

DATED : 14TH JUNE, 2017

P.C. :

1. By this writ petition, the petitioner seeks to challenge the order dated 8th September, 2015 passed in Criminal Revision Application No.27 of 2013 by the Additional Sessions Judge, Mangaon, District Raigad by which the Court allowed the revision application filed on behalf of the applicant therein the original accused. The accusation against them was that of altering the land records. The name of the petitioner herein and that of his brother were recorded in the 7/12 extracts in respect of Gat No.184 and 185 in the column indicating possession as cultivators since the year 1993. On 11th October, 2012 when the petitioner obtained copies of 7/12 extracts of the said lands he came to know that the name of his brother and his own name were deleted. Thereupon it appears that the petitioner applied under the Right to Information Act and he learnt that during 1999-2000 and 2001-02 the aforesaid respondent nos.1 and 2 were responsible for the same. According to the petitioner the said

respondents with malafide intention deleted the names of the petitioner and his brother. The petitioner filed private complaint alleging offences under Section 166, 167 and 466 of the Indian Penal Code. The Judicial Magistrate, First Class issued process which came to be questioned in the revision application and by the impugned order the revision application was allowed.

2. I have heard learned counsel for the petitioner at length and in the course of submissions it was pointed out that the impugned order in paragraph 8 clearly records that respondent nos.1 and 2 were transferred to village Morba, Taluka Mangaon as Talathi and during the relevant period of 1999-2000 and 2001-02 both the respondents were not Talathis of village Morba. The copies of the transfer order were also produced before the Sessions Court. In the circumstances the accusation that the respondents had with intention to cause damage to the petitioner altered entries in 7 X 12 extract has no substance whatsoever. Moreover it is an admitted position today that the petitioner's brother has not filed any complaint in relation to the alleged deletion of the names. In the circumstances I find that the impugned order cannot be said to be perverse in any manner. In the circumstances there is no substance in this petition. I therefore pass the following order :

(i) Writ petition is dismissed.

(ii) No orders as to the costs.

(A.K. MENON, J.)