

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

CRIMINAL WRIT PETITION NO.4353 OF 2016

Indur Kartar Chhugani	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

.....

Mr. I.K. Chhugani, the Petitioner in-person present.
Mrs. A.S. Pai, APP for the Respondent No.1-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 31st MARCH, 2017.

P.C.:-

The Petition is filed for seeking following reliefs:

A. Petitioner is 70 years of age, having health problems and at the fag end of his life and has to travel from Pune and therefore humbly prays, that all pending Petitions/Applications Viz (1) APPA/812/2013 in Criminal Appeal No.688 of 2006 (2) Criminal Writ Petition No.621 of 2016 (3) Criminal Application No.191 of 2016 be heard together with this Writ Petition on day to day basis.

B. This Hon'ble court may kindly direct the M.P.I.D. Court not to create any third part rights in Flats 501, 502 Pinky Panorama Co-operative Housing Society Ltd., Plot No.215, S.S. VII no. E/710, E/712, 6th Road,

Khar W, Mumbai – 400052, from which flat Applicant was evicted forcibly and made homeless on 6/12/2013. (forcible eviction was ordered by the M.P.I.D. Court on 19/10/2013).

C. This Hon'ble Court call for all the records of the case regarding petitioner from the M.P.I.D. Court, during the most crucial period between 25/2/2005 to 27/4/2005, plus the original Visitor's Register taken in court record on 11/4/2015 and objections to attachment filed on 13/2/2006, which all ought to have been sent to this High Court during the hearing of Criminal Appeal No.688 of 2006 on 13/7/2012, which has resulted in extremely adverse order passed on 27/9/2012 and Application for Recall of this order remains pending since 2013 at the Hon'ble High Court.

D. This Hon'ble court kindly appoint a Court Commissioner to check out if the Punjab National Bank and Bharat Overseas Bank have the correct mortgage documents of Flat 501 (actual area 641 sq.ft) and 502 (acutal area 398 sq. ft.) or they have fake documents showing each flat as 1700 sq.ft. Valued at Rs.2.04 crores each. The Court Commissioner also to find out:

- I. From Pinky Panorama Co-operative Housing Society Ltd., if the Society has issued any NOC to Banks for mortgage or are the Society NOC letters forged by both the Banks.
- II. From both Banks whether they have created 2 sets of Mortgage documents, one for

the M.P.I.D. Court and another for Debt Recovery Tribunal.

E. This Hon'ble Court kindly institute an inquiry/investigation into the whole episode so that the truth is unearthed and all those at the M.P.I.D. Court who are directly or indirectly responsible for committing the said offence(s) of truncating Roznamas and holding back important documents from this High Court, are brought to book and punished in accordance with law. Serious offences of sending tampered Roznamas of M.A. No.24 of 2005 and M.A. No.116 of 2005 and holding back important records of the case at the M.P.I.D. Court while hearing in proceedings of Criminal Appeal No.688/2006 at High Court was in progress in 2012, resulting in gross injustice. (Making a 70 year old Petitioner and family homeless in Mumbai, is akin to a death sentence for the whole family).

2. The grievance of the Petitioner is about the attachment of the subject flats and the Petitioner claims that no third party interest should be created. The learned APP pointed out that the Petitioner does not dispute that he has already filed an application before the M.P.I.D. Court for release of the said flats. The learned APP states that next date of hearing of that application is 12th April, 2017 before the M.P.I.D. Court.

3. In the circumstances, since the Petitioner has alternative efficacious remedy, which he has availed of, we are not inclined to entertain the Petition. The Petition is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)