

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

CRIMINAL APPLICATION (APL) NO. 318 OF 2016

(Abdul Vakil s/o Abdul Matin Siddiki vs. State of Maharashtra thr PSO, PS Jaripatka, Nagpur & Anr.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
APRIL 12, 2017.**

Heard Shri M.K. Kulkarni, learned counsel for the applicant, Shri A.S. Fulzele, learned APP non-applicant No. 1 and Shri G.B. Purohit, learned counsel for non-applicant No. 2.

2. Non-applicant No. 1 claims that property belonging to the Superintendent of Police was attempted to be sold by the applicant to non-applicant No. 2.

3. The statement of officer from the City Survey office has been recorded and charge sheet is also presented.

4. Shri Kulkarni, learned counsel submits that there was no such attempt and because of confusion, non-applicant No. 2 proposed-purchaser filed an erroneous and wrong complaint. According to him, that confusion has been cleared and the agreement has already been cancelled.

5. Shri Kulkarni, learned counsel is placing reliance upon the judgment of the Hon'ble Apex Court in the case of Narinder Singh & Ors. vs. State of Punjab & Anr., reported at (2014) 6 SCC 466, to urge that in this situation when there are no chances of conviction, this Court has to intervene

under Section 482 of the Code of Criminal Procedure.

6. The learned APP submits that there was an attempt to sell the public property by the applicant to another private person. A perusal of charge sheet at Annexure -A reveals such an attempt.

7. We cannot record any finding on disputed question at this stage. The controversy and nature of offence looked into by the Hon'ble Apex Court in the case of *Narinder Singh & Ors. vs. State of Punjab & Anr.*, (supra) is entirely different.

8. In the present facts when the public property is involved, whether the applicant or non-applicant No. 2 cooperate or not, the Government can independently attempt to prove the offence.

9. We are not inclined to intervene in extraordinary jurisdiction. Hence, keeping all rival contentions open, we dispose of the present application. No order as to costs.

JUDGE

JUDGE

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