

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

CRIMINAL APPLICATION (ABA) NO.713 OF 2016

Mujahid Khan Miya Khan

..VS..

State of Maharashtra, through P.S.O. Gadge Nagar, Amravati, District Amravati

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

Court's or Judge's Order

Shri N.M. Kolhe, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the non-applicant/State.

CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 31, 2017.

Heard.

In view of order dated 6.1.2017, learned Additional Public Prosecutor, on instructions, makes a statement that applicant had attended the investigating officer from 8.1.2017 to 12.1.2017. However, it is submitted that in spite of attending, he has not cooperated with the investigating agency by not replying to the questionnaire put to applicant to the satisfaction of the investigating officer. Learned Additional Public Prosecutor has supplied the questionnaire.

Perusal of the same, it is found that applicant has replied the questions, which according to the investigating officer are not to his satisfaction. It appears to be the case of the prosecution that applicant in spite of having knowledge that vendor of plot No.16,

Survey No.64/3 being not owner of the said property introduced him to complainant Mohd. Ubedkhan who purchased from the vendor. However, it revealed that said property was never owned by the vendor namely Rafiq Sheikh. From the case of the prosecution it thus appears that only involvement of applicant is of his introducing complainant with Rafiq Sheikh as aforesaid. Similarly, from the say of prosecution though it appears that applicant had also signed upon some notarized documents as a witness this by itself does not establish fact of his signing the document in spite of his having knowledge that the vendor stated therein, in fact is not owner of property sold by that document.

In view of the facts as aforesaid, the application is liable to be allowed, by imposing the conditions, as per order below:

Interim protection granted in favour of applicant by this Court on 25.10.2016 stands confirmed.

Applicant is further directed to attend the investigating officer as and when called, till filing of the charge-sheet.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

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