

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

CRIMINAL APPLICATION (ABA) NO.739/2016

Ashok S/o Kashinath Walke

..Vs..

State of Maharashtra, through Police Station Officer, Chikhli, Distt. Buldhana

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

Court's or Judge's orders

Shri T.S. Deshpande, Adv. for the applicant.
 Shri T.A. Mirza, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 22.6.2017.

Heard.

On complaint lodged by the Sub-Divisional Officer crime is registered against several accused on the accusations that the officials / employees of revenue department and owners of agricultural lands, in collusion have prepared bogus orders showing conversion of agricultural land into non-agricultural land. The applicant is shown as co-accused as he was working as Mandal Adhikari during the relevant period. According to the applicant, he is not concerned with the alleged offence and he is falsely implicated after his superannuation on 30th April, 2012.

Total six applications filed on behalf of several accused, are placed today for consideration. In Criminal Application (ABA) No.722/2106 I have passed an order recording that it appears that the revenue officers and owners of agricultural lands had been in collusion and even Investigating Officer has not conducted investigation properly and seriously. The main accused

Sheikh Riyaj, who was working as Talathi, even after rejection of the application filed by him under Section 438 of the Code of Criminal Procedure, was not arrested and the applicant whose applications are placed today had submitted that he is moving freely in the town. Only after serious note of this fact was taken by this Court, the investigating agency came out with the submission that Sheikh Riyaj has surrendered. By the order passed today in Criminal Application (ABA) No.722/2016 the Superintendent of Police is directed to look into the matter and take necessary steps. At the time of hearing of this application it transpired that presently about 14 such bogus cases are discovered, however, the cases may be 20 times the present number.

Considering the facts of the case, I am not inclined to grant the prayer made in the application. The application is **dismissed**.

The applicant has enjoyed interim protection granted by this Court by the order passed on 1st November, 2016. The applicant shall surrender within one week, failing which the conduct of the applicant shall be taken note of in the proceedings against him.

JUDGE