

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

CRIMINAL WRIT PETITION NO.889 OF 2016

Smt. Ajahar Sultana w/o Abdul Rauf

..VS..

The State of Maharashtra, through its Police Station Officer, Police Station, Kondhali,
District Nagpur and anr

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

Court's or Judge's Order

Shri P.A. Abhyankar, Counsel for the petitioner.
Shri M.P. Kariya, Counsel for respondent No.2.
Shri S.S. Doifode, Addll.P.P. for respondent No.1/State.

CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.

DATED : APRIL 19, 2017.

Heard learned counsel for the parties for
some time.

1994 transaction, which resulted into
recording of name of petitioner in 7/12 extract on
28.1.1995, has been assailed by respondent No.2 for the
first time after death of one Smt. Nathabai d/o Zibal
Zoting in 2013. Relationship of said Nathabai with
vendor of the petitioner namely Madhukar s/o Zibal
Zoting or existence of Madhukar, are the disputed
questions. Mutation challenge by respondent No.2 has

failed and civil suit instituted by them is pending. The application for temporary injunction moved therein is also pending. During pendency of these proceedings, police complaint has been lodged.

This Court has, on 23.11.2016, issued notice in the matter and restrained filing of charge-sheet though investigation was permitted to go on.

Learned Additional Public Prosecutor submits that developments after January 2017 are not within his knowledge.

Learned counsel Shri M.P. Kariya for respondent No.2 submits that investigation is still not complete. He argues that there was no person by name Madhukar and petitioner has himself fabricated a sale deed in his favour.

We leave all contentions open. The dispute has cropped up after more than 20 years and as already noted, several disputed questions arise.

Learned counsel Shri P.A. Abhyankar for the petitioner claims that after mutation entry dated 28.1.1995, petitioner is openly in possession and enjoyment of the property.

As such, leaving all contentions open, we direct investigating officer to complete investigation within a period of two months from today and,

thereafter, to file appropriate report to the competent Court.

With liberty to the parties to raise their grievance, if it subsists even thereafter, we dispose of the present criminal writ petition. No costs.

JUDGE

JUDGE

!! BRW !!

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