

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

Criminal Application [ABA] No.199 of 2018

Manoj Rajendra Gupta

vs.

State of Maharashtra, through P.S.O. Hiwarkhed, Tahsil Akot, District Akola

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

Court's or Judge's Orders

*Shri R.K. Thakkar, Advocate for the Applicant.
 Shri P.S. Tembhare, A.P.P. for the Non-Applicant-State.*

CORAM : S.B. SHUKRE, J.
DATE : 24th APRIL, 2018.

Heard.

Perused the F.I.R. and the reply of the prosecution. I have also gone through the case diary.

It is seen that the sale-deed executed by deceased Nimbabai in favour of this applicant was a registered document. It was executed on 03/03/2014 and out of her total land holding of 1 hectare 17 ares, only 61 ares land has been transferred by the vendor deceased Nimbabai in favour of this applicant. However, the complaint to the Sub-Registrar, Co-Operative Societies, Akola by deceased Nimbabai that this transaction was fraudulent and she did not intend to transfer any land in favour of this applicant was made some time in February, 2017.

It was the contention of the complainant that this applicant carries on illegal business of money lending, but the case diary does not show that there are several complaints of this nature made against this applicant. There is one complaint of similar nature which is presently pending against this applicant. According to the learned Counsel for the applicant that complaint has been dismissed.

The complainant also averred before the Sub-Registrar that she had taken loan of Rs.2.50 lakhs from this applicant and that she returned it along with interest and the total amount paid by her to this applicant was of Rs.5.00 lakhs. It is not known whether there were any receipts issued in this regard by the applicant or if those were cash transactions and if so, whether there were any witnesses to those transactions whereby, according to the complainant, the loan was repaid by her by returning the amount of Rs.5.00 lakhs.

It is seen from the case diary that copy of the sale-deed is already obtained by the Investigating Officer. He has also procured copy of the order of the Sub-Registrar cancelling the sale transaction holding that it is a money lending transaction. However, the

order of the Sub-Registrar has been challenged by this applicant before the Commissioner, Co-operative Societies, Pune by filing the revision application and presently it is pending before him. The original sale-deed is stated to be part of the record of the proceedings before the Co-operative Authorities. There is no stay in operation granted by the learned Commissioner to the order of the Sub-Registrar. The facts discussed above would enable me to infer that in any case, custodial interrogation of the applicant would not be required and if that is so, I am of the view that this application can be allowed.

The application is allowed and the interim bail granted to the applicant by this Court on 22/03/2018 is hereby confirmed on the same conditions.

The application is disposed of.

JUDGE

**sandesh*