

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO.1060 OF 2015

Ramlal S/o Kesharchand Lodha
Age 70 years, Occu: Agriculture
Ro Potra, Tq. and dist. Beed.

... **PETITIONER**

VERSUS

- 1) The State of Maharashtra
- 2) K. D. Hule Contractor
Age 55 years, Occu: Business
R/o Patoda, Tq. Patoda
District Beed
- 3) Shri S. R. Tirmanwar
Age 53 years, Occu: Service,
SS.E. Irrigation office Parali (V)
- 4) Shri R. B. Kendre
Age 56 years, Occu: Service
E.E. Irrigation Office, Beed
- 5) Shri P. M. Gundare
Age 48 years, Occu: Service
Branch Engineer, Irrigation
Office, Beed
- 6) Shri Mali Suhas
Age 50 years, Occu: Service
Branch Engineer, Irrigation
Office Beed.
- 7) Shri Magar Appa,
Age 50 years, Occu: Private Service
Side Surveyor, C/o Hule Acc. No.1

- 8) Shri Ajinath Shinde
Age 45 years, Occu: Private Service
C/o Hule Accused No.1
- 9) Shri Rama Koutale
Age 42 years, Private Service
Driver R/o Wadwani Tq. Wadwani
C/o Hule, Accused no 1.
- 10) Shri Prakash Patil
Age 45 years, Occu: Private Service
Driver R/o Kolhapur
C/o Hule Accused No.1

**Res. Nos. 9 and 10
Deleted as per leave
granted by Hon'ble Court
Vide order dtd. 12/03/2019.**

- 11) Shri Arvindrao Lakar,
Age 55 years, Occu: Service
L.A.G. Jayukwadi Project,
Beed.
- 12.) Shri A. P. Shaikh
Age 52 years, Occu: Service
Clerk L.A.O. officer, Beed.

... RESPONDENTS

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Mr. S. P. Katneshwarkar, Advocate for Petitioner.
Mr. D. R. Kale, APP, for Respondent No.1 / State.
Mr. B. R. Surwase, Advocate for Respondent/State Nos. 3 to 6.
Mr. R. A. Deshmukh, Advocate for Respondent No.12.

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CORAM : T. V. NALAWADE, J.

DATE : 25th June, 2019.

ORAL JUDGMENT:

. The petition is filed to challenge the order made by the learned Judicial Magistrate First Class of dismissal of complaint and decision of Sessions Court, Beed in Criminal Revision No.73 of 2015. The revision filed against the order of Magistrate is dismissed.

2 Both the sides are heard.

3 This Court has carefully gone through the allegations made in Complaint No.383 of 2015. It is the contention of the Complainant that the Accused of that matter, who are officers of the Government and Contractor etc. committed the offence of creation of some false record, they committed the offence of trespass and the committed the offences punishable under Sections 447, 420, 468, 471, 34 etc. of the Indian Penal Code. His family owns land and some portion of their land comes under the project of Satra-Potra storage tank. The Magistrate has observed that there is necessity of sanction as the main Accused are public servants.

4 On merits also, this Court has seen some record. Today, the submission, on instructions, was made that the possessions is obtained by the authority. The submission made and the record today showed to this Court is of the nature that prior to the year 2004, Section 4 notification under the Land Acquisition Act was issued. However, in one proceeding, the said notification was set aside. Then in the year 2012, the acquisition was started and almost all the farmers had given willingness for acquisition. Hearing was given under Section 5-A of the Land Acquisition Act and in the year 2013, compensation award was also passed. These circumstances are not consistent with the allegations made in the complaint. If the site was changed, it was changed long back in the year 2004 and the allegations of aforesaid nature are made. This Court holds that nothing can be achieved by giving direction to make investigation under Section 156(3) of the Code of Criminal Procedure. It is not possible to interfere with the order made by the learned Judicial Magistrate First Class and the decision given by the Sessions Court. In the result, the petition stands dismissed. Rule stands discharged.

[T. V. NALAWADE, J.]