

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 344 OF 2016**

**WITH**

**CRIMINAL APPLICATION NO. 898 OF 2016**

Mr. Peter D'Souza & ors.

...Applicants.

Versus

The State of Maharashtra & ors.

...Respondents.

Mr. Vincent X. D'Silva, advocate for the applicants.

Mr. F.R. Shaikh, APP for State.

**CORAM : B.P. DHARMADHIKARI &  
SMT. SADHANA S. JADHAV, JJ.**

**DATE : NOVEMBER 19, 2019.**

**P.C.:**

1        The contention of the learned Counsel for the applicants, respondent No. 2 has improved his statement at least on four occasions and in last statement, names of applicants have been added. Complainant claims that he has paid an amount of Rs. 45 Lakhs to son of applicant No. 1 and brother of other applicants. In order to recover the amount, false case has been filed against other family members. Learned APP has pointed out that applicants with that son operate a firm under name "RPL Real Estate" and that firm has agreed to sale some property to respondent No. 2 complainant and against it an advance was accepted.

*Talwalkar*

2           The statement dated 19/5/2014 of complainant supports this position.

3           We therefore, find that effort of applicants cannot succeed at this stage. We keep that contention open. With liberty to applicants to approach trial court, we dispose of present matter.

4           Criminal Application No. 898 of 2016 is also disposed of accordingly.

**(SMT. SADHANA S. JADHAV, J)      (B.P. DHARMADHIKARI, J)**