

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

CRIMINAL APPLICATION (APL) NO. 37 OF 2013

Rameshwar Sheshrao Patil
Vs.
State of Maharashtra and another

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

Court's or Judge's orders

Shri Anil S. Mardikar, Sr. Advocate for the applicant.
Shri A.D. Sonak, A.P.P. for non-applicant No. 1.
None for non-applicant No. 2.

CORAM : Z.A. HAQ AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 17th OCTOBER, 2019

Heard.

The prayer made by the applicant in the instant Criminal Application is for quashing of the First Information Report No. 3001/2013 dated 09/01/2013 registered with the Police Station, City Kotwali, Akola for the offences punishable under Sections 82 and 83 of the Registration Act, 1908 (hereinafter referred to as "the Act" in short) so also to quash the charge-sheet No. 18/2013 dated 06/03/2013 pending on the file of the Chief Judicial Magistrate, Akola.

The allegations made against the present applicant in the impugned First Information Report and the charge-sheet No. 18/2013 are that he purchased plot No. 22, Mouza Khadki Buzurk, Field Survey No. 41/1/B admeasuring 328.6 sq.mtr. by presenting a fake vendor and false medical documents. It is stated that the original owner Shri Bharat

Govardhandas Thakrar was shown as bed ridden and permission was obtained to register sale-deed at his residence on payment of requisite fees and thereby got registration of sale-deed in his name by producing a sham vendor and his medical documents. During the pendency of this application, charge-sheet came to be filed having found substance in the allegations in the First Information Report. The First Information Report came to be lodged at the instance of non-applicant No. 2 – Sub-Registrar on the complaint of the original owner Shri Bharat Thakrar.

A perusal of the impugned First Information Report and the charge-sheet reflect *prima facie* case against the applicant and this is not a case fit for quashing. Hence, the application deserves to be rejected.

The criminal application stands rejected.

It is pertinent to note that by order dated 07th March, 2013, this Court directed investigation about the role of respondent No. 2 in this crime through Superior Officer under the supervision of Sub-Divisional Police Officer, Akola, however, learned Additional Public Prosecutor could not show us any report in this respect. We direct the concerned Officers to comply this order within a period of eight weeks and submit report accordingly.

Place the matter for submission of report on 12th December 2019.

JUDGE

JUDGE