

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

LD-VC- CRIMINAL APPLICATION (APPA) 369/2020
in CRIMINAL APPLICATION (BA) 154/2020(D)

Amitkumar Hukumchand

Vs.

State of Maharashtra

=====

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

=====

Court's or Judge's Orders

Shri R.M.Daga, advocate for the applicant.
 Mrs M.H. Deshpande, Addl. PP. for non-applicant/State.

CORAM : S.M. MODAK, J.
DATE : 16.06.2020.

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard Shri R.M. Daga, learned advocate for the applicant and Mrs M.H. Deshpande, learned Additional Public Prosecutor for non-applicant/State.

3. Seen the order dated 12.05.2020 passed by this Court in Criminal Application (BA) No. 154/2020, condition No.3 reads as follows :-

“3. The applicant shall also deposit the original title document of his property or the property of his family members in Nagpur or in Delhi, subject to the verification by the learned Trial Court.”

4. Thereafter, the petitioner has tendered certain documents in the form of power of attorney before the trial Court. According to the petitioner, the trial Court is not ready to send these documents for verification. According to the petitioner, in Delhi Sultanpuri, there is a

local practice to rely upon power of attorney. At this stage, it is difficult to accept this contention but it can be verified by way of verification. Ultimately, we do not know what will be the result of the verification. It may be in favour of the petitioner or against him. The verifying authorities may verify the title of power of attorney holders depending upon the conclusion. The trial Court can form its opinion. Hence, the condition No.3 of the order dated 12.05.2020, is modified as follows:-

I] The petitioner is permitted to produce the documents viz., General Power of Attorney, Agreement to Sell, Affidavit, Receipt, Possession Letter, Deed of Will, before the trial Court.

II] The trial Court is directed to send these documents for verification to the concerned Police Station, Sultanpuri, Delhi.

III] The trial Court to accept the power of attorney of brother of the applicant (Gulab).

IV] The petitioner to give the correct name of the Police Station of the trial Court.

V] On receipt of the verification report, the trial Court is at liberty to pass appropriate orders.

5. Criminal Application is disposed of.

6. The order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE