

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

CRIMINAL APPLICATION (ABA) NO.484 OF 2020

(Suraj s/o Rambhau Chute Vs. The State of Maharashtra thr. PSO PS Kuhi, District
Nagpur)

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

Court's or Judge's orders.

Mr. S.G. Karmarkar, Advocate for Applicant.
Mr. P.S. Tembhare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 26th OCTOBER, 2020.

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

2] Heard.

3] The applicant is apprehending arrest in Crime 375/2020 registered with Police Station Kuhi, District Nagpur for offences punishable under section 417, 420, 465, 471 read with section 34 of the Indian Penal Code.

4] The complainant Tarachand Borkar aged 77 years lodged report dated 07.09.2020 alleging that fraudulent sale-deed of his agricultural field is executed in favour of the applicant by someone who impersonated as the complainant.

5] Mr. Karmarkar would submit that the applicant is an innocent purchaser who has parted with the consideration. A public notice issued on behalf of the applicant is also pressed in service to buttress the submission that it is the applicant who is the victim.

6] The sale consideration which the applicant claims to have paid is paid in cash. Nothing is placed on record to suggest, even *prima facie*, that the amount of Rs.9,00,000/- was as a fact paid in cash by the applicant to the person who impersonated as Tarachand Borkar. The investigation is ongoing.

7] Most importantly, there is already a first information report registered against the applicant with Police Station Umrer. This crime is registered pursuant to complaint dated 22.09.2020 lodged by one Hemraj Mahadeo Kamble. Like Tarachand Borkar, Hemraj Kamble is also the victim of land fraud. The agricultural field owned by Hemraj Kamble is sold and some person has impersonated as Hemraj Kamble. Interestingly, the purchaser in the fraudulent transaction is again the present applicant. This Court is more than satisfied that the custodial interrogation of the applicant is necessary and that he appears to be a habitual offender involved in land fraud. The application is dismissed.

JUDGE