

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

4. CRIMINAL WRIT PETITION NO. 235 OF 2020

**PRAKASH RANGNATHAPPA KATKAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...
Advocate for the Petitioner : Mr. Ajinkya Kale i/by Mr. Satish Talekar
APP for Respondent-State : Mrs. R.P.Gaur
...

CORAM : N.R. BORKAR , J.

DATE : 11th October, 2021.

P. C. :

1. This Writ Petition takes an exception to the order dated 20.01.2020 passed by the Additional Sessions Judge-1, Jalna in Revision Petition No. 104 of 2019.

2. The petitioner herein has filed an application under Section 156 (3) of the Code of Criminal Procedure (for short 'Cr.P.C.'). The learned J.M.F.C., Jalna rejected the said application by order dated 06.11.2019. The revision petition was filed against the said order . The learned Additional Sessions Judge, rejected the revision petition by order impugned.

3. I have heard the learned counsel for the petitioner and

the learned APP for the respondent-State.

4. Learned counsel for the petitioner submits that the learned J.M.F.C., Jalna has rejected the application under Section 156 (3) of Cr.P.C. on the ground that the petitioner had already filed the complaint against the respondent Nos. 2 to 7 alleging preparation of false and forged documents in relation to land bearing Gut No. 173 situated at Jalna and on the basis of said complaint the concerned police station has already registered the crime No. 529 of 2019 for the offences punishable under Section 420, 468, 427 read with Section 34 of the Indian Penal Code against respondent Nos. 2 to 7.

5. It is submitted that the allegations in Crime No. 529 of 2019 and the present matters are altogether different. It is submitted that learned J.M.F.C., Jalna thus, committed an error in rejecting the application filed by the petitioner under Section 156 (3) of Cr.P.C. It is submitted that Revisional Court has also mechanically rejected the revision.

6. I have perused the First Information Report in Crime No. 529 of 2019. It is alleged in the said Crime that respondent Nos. 2 to 7 had prepared false documents in relation to land bearing Gut No. 173 and 174.

7. In an application under Section 156 (3) of the Cr.P.C. also the petitioner has alleged that respondent Nos. 2 to 7 had prepared a false document i.e. the order of Collector dated 26.04.2017 in relation to land bearing Gut No. 173.

8. If according to the petitioner, respondent Nos. 2 to 7 had changed the order of the Collector dated 05.10.2018 and prepared false and forged order dated 26.04.2017, then it is not understood as to what prevented the petitioner from disclosing this fact at the time of lodging of the earlier complaint as it is not the case of the petitioner that he was not aware about the order dated 26.04.2017 at the time of lodging of the earlier complaint. Apart from it, in absence of any documentary evidence in support of the allegations, no interference is called for in the orders impugned.

9. The judgment cited by the learned counsel for the petitioner reported in **2012 (1) SC 130 – Shivshankar Vs. State of Bihar and Another** and in **(2013) 6 SC 384 – Anju Chaudhary Vs. State of Uttar Pradesh and another**, would not apply to the facts of the present case as in the case of **Shivshankar** (supra), the second F.I.R. was not lodged by the same person and there was different version of the same incident. In that context the Hon'ble Supreme Court has held that another F.I.R. is permissible. Similar is the

situation in the case of **Anju Chaudhary** (supra).

10. In view of the above, petition is dismissed.

(N.R. BORKAR)
JUDGE

mahajansb/