

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

Criminal Application (ABA) 37 of 2021

Shivdas s/o Shriram Ingale V/s State, thr PSO, PS MIDC Hingna, Nagpur

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

Court's or Judge's orders.

Ms Sejal Lakhani, counsel for applicant.
Mr N.R. Rode, APP for non-applicant.
Mr A.D. Bhate, counsel for intervenor.

CORAM: ROHIT B. DEO, J.

DATE: 03/02/2021.

Heard.

2. The applicant is apprehending arrest in Crime 926/2020, registered with Police Station MIDC Hingna, Nagpur, for offences punishable under Sections 406, 420, 468, 467 and 471 of the Indian Penal Code.

3. The report is lodged by Mr Mukesh Meshram.

4. The first aspect which strikes the Court is that the allegation pertains to the years 2008 and 2009. In the entire case papers, there is no conceivable explanation why the report is lodged in the year 2020.

5. Adverting to the report, the allegation appears to be that agricultural land ad-measuring 2.32 HR came to be

purchased in the name of the complainant in the year 2008. According to the complainant, he executed Power of Attorney in favour of the accused in respect of the southern portion, which subsequently came to be corrected as western portion, ad-measuring 1.16 HR and the accused not only obtained the sale-deed from the complainant of land ad-measuring 1.16 HR which is the eastern portion, he sold the western portion on the basis of the Power of Attorney to M/s First Indian Realtors.

6. Ms Lakhani, the learned counsel invites my attention to the averments made in the application and submits that as a fact that the applicant has paid the complainant consideration for the entire 2.32 HR and therefore, he obtained sale-deed from the complainant of 1.16 HR and on the basis of the Power of Attorney, sold the other portion in favour of M/s First Indian Realtors. The submission is that undue advantage is being taken by the complainant of the innocuous correction, which was as a fact required, in the Power of Attorney since the reference in the Power of Attorney could not have been to the

southern portion and could have been only to either eastern or western portion since the land was partitioned north-south.

7. It would not be necessary for making decisive observation on the rival contention.

8. Ms Lakhani, learned counsel has invited my attention to the irrefutable position on record that the complainant Mr Mukesh Meshram has a colourful criminal past and is facing several prosecutions in which the same *modus operandi* is adopted. The learned counsel for the complainant Shri Bhate is not in a position to dispute that the complainant is not only facing prosecutions, he was in jail custody.

9. Be that as it may, what appears from perusal of the case papers, is that at the most, there could be a civil dispute, if at all. The allegations are based on documents. I do not see any reason why custodial interrogation would be necessary. As noted supra, there is no explanation, much

less an explanation which would appeal to plain commonsense, why the First Information Report lodged after 11 years.

10. The interim protection granted vide order 25.01.2021 is made absolute with the only modification that till the filing of the charge-sheet, applicant shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE

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