

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

CRIMINAL APPLICATION (ABA) NO.120 OF 2021

(Pradeep s/o Preamsukhdas Rathi Vs. State of Maharashtra thr. PSO PS Khamgaon
City, Tah. Khamgaon, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. Zeeshan Z. Haq, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 8th MARCH, 2021.

The applicant is apprehending arrest in Crime 46/2021 registered with Police Station Khamgaon City, Tahsil Khamgaon, District Buldhana for offences punishable under Sections 255, 260, 420, 423, 465, 468, 471, 472 and 475 of the Indian Penal Code and Section 66-D of the Information Technology Act, 2000.

2. The crime is registered on the basis of report lodged by Smt. Anju Soni. She is the widow of Mr. Lavkesh Soni who died on 07.04.2007. It would not be necessary to narrate in detail the allegations in the report. Suffice it would, if one extremely grave allegation, which I have found to be *prima facie* substantiated from record, is noted. The applicant – accused allegedly forged and fabricated one document dated 01.04.2004 which is styled as a registered sale-deed and which purports to transfer the property of the

deceased husband of the informant. The allegation is that the document dated 01.04.2004 which purports to be a registered sale-deed is non-existent in the sense that no such sale-deed is registered in the office of the Sub-Registrar of Documents, Khamgaon.

3. 01.04.2004 which is the date of the alleged sale-deed was a holiday. The statement of the Sub-Registrar of Documents, Khamgaon is recorded. The statement is that the document dated 01.04.2004. which is purportedly registered at serial 1530 is fabricated and that no such document is registered at his office. The statement of the Sub-Registrar of Documents is that at serial 1530 the document which is as a fact is registered is between Premnarayan Gupta and Suraj Agrawal, and the document is an earnest note. The document dated 01.04.2004 purports to have been franked for the stamp duty at Khamgaon Urban Co-operative Bank Limited, Khamgaon. However, the statement of the Bank is that it was only in August, 2005 that the Bank received the permission to operate the franking machine and such a facility was not available in 2004.

4. The document dated 01.04.2004 is placed on record since this Court directed the applicant to do so. It is more than apparent that the said document is a fabricated document. The document purports to bear the seal of the office of the Sub-Registrar of Documents and an

endorsement that the franking is done at the Khamgaon Urban Co-operative Bank Limited, Khamgaon. The document purports to transfer title to 14 plots from the deceased husband of the complainant to the applicant herein. In the absence of custodial interrogation, it would be next to impossible to unearth the various facets of the crime. It is more than obvious, that the fabrication of such document, which is shown to be a registered sale-deed with the seal of the Sub-Registrar of Documents and the franking endorsement of the Bank, is not likely to be an individual venture. In every probability, the applicant – accused must have received assistance from several quarters and in the absence of custodial interrogation, the identity of and the role played by the persons who facilitated the fabrication of the document, would remain under wraps.

5. The allegations are serious and custodial interrogation is a must lest the investigation meets a dead end.

6. The application is dismissed.

JUDGE