

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

CRIMINAL APPLICATION (ABA) NO. 139 OF 2021

(Jivrajbhai s/o Ratanshi Patel ..vs.. State of Maharashtra, through PSO, PS Kalamna, Nagpur)

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

Court's or Judge's orders

Mr. N.V. Fulzele, Counsel for the applicant,
Mr. M.K. Pathan, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 06-04-2021

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

2. The applicant is apprehending arrest in Crime 165/2017 registered with Police Station Kalamna, Nagpur for offences punishable under Sections 419, 420, 465 and 471 of the Indian Penal Code.

3. The submission is that the events on the basis of which the applicant is implicated have occurred in 1998 and 2001, even if the report is taken at face value.

4. The further submission is that the transaction and the dispute, assuming that there be a dispute, is purely civil.

5. I have perused the contents of the first information report, which is lodged on 20-4-2017 and

the investigation papers.

6. The complainant claims to have purchased 0.81 Hectare land from Yograj Thakare and Madhukar Urkude in the year 2002. The complainant alleges that in the application preferred by the President of the Umia Audyogik Sahakari Vasahat Maryadit, Kapsi to the Nagpur Improvement Trust and the Town Planning Department, for developing industrial area and transport plaza, the land owned by the applicant is shown to be included in the society's land. The complainant claims to have received such information in the year 2013. Inquiries revealed that the claim of the society is on the basis of agreements date 03-2-1998 allegedly executed by the applicant. It is further alleged that the said Yograj Thakare and Madhukar Urkude claimed that they did not enter into any agreement concerning the said land. The complainant alleges that the applicant and others acted hand in glove and attempted to grab the applicant's land on the basis of fraudulent agreement.

7. In my considered view, the grievance is made grossly belatedly. Even if it is assumed that the complainant learnt certain things in 2013, the report is lodged in the year 2017. Moreover, the dispute is essentially civil in nature.

8. The interim protection granted vide order dated

05-3-2021 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station, as and when required.

JUDGE

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Prafulla
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