

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

CRIMINAL APPLICATION (ABA) NO. 613/2021

(Rajkumar S/o Shridharsa Mamarde Vs State of Maharashtra)

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

Court's or Judge's orders

Shri P. R. Agrawla, Advocate for applicant.
Shri H. D. Dubey, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 04.12.2021.

Heard.

2. It is complainant's grievance that the applicant along with others have fabricated a false correction deed dated 09.04.2002. The applicant and informant are nephew and uncle respectively. Learned counsel for the applicant would submit that in consolidation scheme, excess area was shown in the name of informant. Hence, the informant himself has executed correction deed on 29.04.2002. He would submit that as per partition deed, both were allowed equal share. However, in consolidation scheme, excess area was shown which resulted into execution of correction deed. It is shown that on the basis of correction deed, mutation entry was carried on 15.06.2002 itself. Moreover, informant has filed revenue appeal in the year 2019 challenging the mutation entry in which he failed. Not only that, informant has also filed civil suit which is pending.

3. It is evident that in the year 2002 itself, mutation entry was recorded, however for next 18 years, no grievance was put forwarded about its genuineness. The documents tendered on record, *prima facie*, suggests that in order to correct the area as per partition deed, concerned document was executed. Already civil dispute is pending. The long delay of 18 years would suggest that due to failure in civil litigation, existing report has been belatedly lodged in the year 2021.

4. The prosecution though resisted this application, however no substantial ground has been made out. Learned APP upon instructions made fair statement that already original correction deed has been handed over by the applicant to the Police. Having regard to the said fact, there is no necessity to have custodial interrogation. In the circumstances, it is a fit case to exercise discretion in grant of pre-arrest protection. In view of that, following order:-

- (I) Application stands allowed and disposed of.
- (II) Interim order dated 17.09.2021 is hereby made absolute on the same terms and conditions.
- (III) Henceforth, the applicant shall attend concerned Police Station as and when called.

JUDGE