

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

CRIMINAL APPLICATION (ABA) NO. 112 OF 2022

(Niraj s/o Bajranglal Laddha ...VS.. State of Maharashtra, thr. PSO PS Gitti Khadan, Sadar, Nagpur.)

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

Court's or Judge's orders

Shri Shantanu Khedkar, Advocate for Applicant.
Shri Ashirgade, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : MARCH 14, 2022.

1. On the allegation that, in spite of the fact that there was declaration by the Collector in the year 2004, that the applicant is not the owner of the land in question, he has sold out the same and thereby committed the offences punishable under Sections 420, 468, 471, 448, 504, 506 and read with Section 34 of the Indian Penal Code, Crime No. 849/2021, was registered with Police Station, Gitti Khadan, Sadar, Nagpur Tq. & Dist. Nagpur against the applicant and five other accused persons.

2. The learned APP has strongly opposed the application on the ground that the custody of the applicant is necessary to recover the documents namely sale-deed and the other documents attached with the sale-deed, which are according to him are the forged one.

3. Learned counsel for the applicant has drawn attention to the order passed by this Court dated

24/02/2022, and it is pointed out as per the directions by this Court, the applicant has attended the Police Station to co-operate the Investigation Officer in investigation. He has filed an affidavit along with the documents pointing out that he has attended the Police Station as directed by this Court.

4. On perusal of the case diary and contents of the FIR, it is revealed that the allegations are made that the forgery has been committed by the applicant, in executing a sale-deed of a land, which the applicant does not own. As far as recovery of these documents is concerned, there is no dispute that the sale-deed is a registered sale-deed and documents enclosed along with sale-deed are the part of the registered sale-deed. Thus, this record is available with the Revenue Department. In my opinion, therefore, there is no reason to seek the custody of the applicant on the aforesaid ground. Accordingly, I pass the following order:

- i] Criminal application is allowed.
- ii] Ad-interim protection granted to the applicant vide order dated 24/02/2022 is confirmed with a modification that the applicant shall attend the concerned police station, whenever his presence is required.

JUDGE