

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

CRIMINAL APPLICATION NO.1232 OF 2021

Bhujangrao Ganpat Kadam and oths.

.vs.

The State of Maharashtra, through PSO, P.S.Umarkhed, Dist. Yavatmal and Anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr V. N. Patre, counsel for the applicant
Mr T. A. Mirza, APP for the State

CORAM : V. M. DESHPANDE AND G. A. SANAP, JJ.
DATED : JANUARY 21, 2022

By present application, the applicants are challenging the registration of the first information report against them with police station Umarkhed, Dist. Yavatmal for the offences punishable under Sections 420, 465, 470, 471, 294, 323, 506 read with Section 34 of the Indian Penal Code and Section 92 of the Rights of Persons with Disabilities Act, 2016. Notices of this application were issued. In pursuance to the notice, State has filed reply. So also, the complainant is being represented by Mr. Tushar Tathod.

2] According to the learned counsel for the applicant, the executant of the sale deed Digambar Kadam, died in the year 2007-08 and not on 15.03.1999 as alleged in the first information report. According to the first information report, sale deed dated 26.03.1999 is shown to have been executed by deceased person.

3] The learned counsel for the applicants submitted that residents of the village had filed their affidavits alongwith this application to show that Digambar died in the year 2007-08. Thus the date of death is a disputed fact that cannot be looked into by this Court while exercising its power under Section 482 of the Code of Criminal Procedure.

4] It is always open for the investigating officer to inquire into the date of the death of Digambar. It is always open for the investigating officer that while during the investigation if the contention of the applicant is found to be correct to take necessary steps in that behalf.

With this observation, in our view, this application can be disposed and as such, the application is disposed of.

JUDGE

JUDGE

Namrata