

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.1166 OF 2023

1. Sambhaji s/o. Baliram Patil,
2. Shoheb Ahesom Salim Shaikh,
3. Umakant s/o. Shankar Dusane,
4. Anil s/o. Bhaurao Patil,
5. Dr. Mahesh Ananda More,

*(Application of applicant nos.1 to 5
has been withdrawn)*

6. Kalpesh s/o. Kashinath Patil,
7. Rushikesh s/o. Rajendra Bhamre

..Applicants

Vs.

The State of Maharashtra and ors.

..Respondents

Mr.B.R.Warma, Advocate for applicants

Mr.R.B.Bagul, APP for respondent no.1

Mr.S.S.Deshmukh, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : JULY 18, 2023

ORDER :-

Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant nos.1 to 5, for the present.

2. Leave granted. The application of applicant nos.1 to 5 stands disposed of as withdrawn, for the present.

3. Applicant nos.6 and 7 herein are alleged to have conspired to forge the will dated 05.01.2010, allegedly executed by Krushna Revaji Patil.

4. Admittedly, it was an unregistered will. The legatee under the will and the attesting witnesses thereto presented the said will for registration on 11.11.2022 at the office of Sub-Registrar, Taloda, Dist.Nandurbar. These applicants have signed the documents presented for registration as attesting witnesses so far as regards identification of the persons, who presented said documents for registration. As such, these applicants are not privy to the so-called forged will dated 05.01.2010.

5. In our view, therefore, considering the role of these applicants as attesting witnesses in identifying the persons who presented the will for registration, they can, by no stretch of imagination, be observed to have been privy or conspirators in forging the will. We are, therefore, inclined to grant relief in favour of applicant nos.6 and 7.

6. In view of the above, the application is allowed in terms of prayer clause (A), qua applicant nos.6 and 7.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP