

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1048 OF 2022

Somnath Balasaheb Mane & Anr.] .. Appellants

vs.

State of Maharashtra & Anr.] .. Respondents

WITH

CRIMINAL APPEAL NO.1049 OF 2022

Sunit Dilip Thorat] .. Appellant

vs.

State of Maharashtra & Anr.] .. Respondents

WITH

CRIMINAL APPEAL NO.1094 OF 2022

Vitthal Maruti Kamble & Anr.] .. Appellants

vs.

State of Maharashtra & Anr.] .. Respondents

WITH

CRIMINAL APPEAL NO.1059 OF 2022

Arun Rajendra Gavali] .. Appellant

vs.

State of Maharashtra & Anr.] .. Respondents

WITH

CRIMINAL APPEAL NO.1103 OF 2022

Suresh Anna Sawant] .. Appellant

vs.

State of Maharashtra & Anr.] .. Respondents

Mr.Nilesh Wable a/w Stefy Dias i/b Umesh Mankapure for the Appellant in Appeal No.1049/2022.

Mr.Umesh Pawar for the Appellants in Appeal No.1094/2022.

Mr.Abhijit Tambe for the Appellnat in Appeal No.1059/2022.

Mr.Kedar Patil a/w Gargi Joshi, Jitesh Mundhwe and Sakshi Kadam for the Appellant in Appeal No.1103/2022.

Mr.S.R.Agarkar, APP for the State

Mr.Kishor Ajetrao, for Respondent No.2.

API Kate and PN Sharad Jadhav, Islampur Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 30th October, 2023.

P.C.

1] As directed earlier, the Investigating Officer has made his job easy, as for the first time, he approached the Sub Registrar, Class II, Valva, Islampur

The statement of Sau. Sunita Shankar Satpute, holding the charge of said post from 01.08.2014 to 05.06.2016, reveal that on 01.06.2015, while she was present in the office, Vijay Jadhav and Vijay Pakhare, both parties were present before her for registering a document. According to her, the document clearly contain a statement to the effect that Vijay Pakhare who owned 3H 98R land in Survey No.54 of Mauje Islampur, intended to transfer 0H 12R land by a conveyance in form of a Sale Deed for a consideration of Rs.7,70,000/- She ascertained the market value prevailing at that time and and also

received the registration fee of Rs.7,700/-. The Document according to her, specifically record to the boundaries and upon its presentation, one Arun Rajendra and Kirtikumar Anna Patil who were present, identified both the parties. After completing the necessary formalities, she had put her signature, upon the said document it was registered as No.1955/2015.

She also make mention of one Mohan Desai who scanned tamped and sealed the documents and returned to the parties.

The aforesaid statement now has given clear picture that what was sold by the complainant by registered sale deed was 0H12R of land and according to the Sub Registrar, the other documents as regards 0.4R are never registered before her.

2] It can thus be seen that the grievance of the complainant that he never sold 0H.12R land, is a matter of trial as prima facie it is necessary to look into the registered document and the Sub Registrar has now clearly stated that the document was registered by her, wherein 0H.12R land was mentioned.

In these circumstances, I am of the clear opinion that there is no need of any further custodial interrogation, particularly when Mr. Vijay Jadhav the main accused is already released on bail after having been arrested.

3] As far as the present Appellants are concerned, two are witnesses to the execution of documents, one is stamp vendor from whom document is purchased and one is the Talathi/Circle Officer who mutated the entry in the land records, based on the registered Sale Deed.

In any case, interim protection is continuing in favour of appellants and it is only when the Court issued directions to record statement of concerned Sub Registrar, to ascertain which of the two conveyance with the same number is the correct version, the Investigating Officer has bothered to record her statement and now the facts are crystal clear before the Investigating Officer.

Upon this information having been surfaced, interim orders deserve to be made absolute.

Accordingly they are made absolute.

All Appeals stand disposed off.

[BHARATI DANGRE, J]