

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

CRIMINAL APPLICATION (ABA) NO. 112/2023

Md. Haris s/o Arif Rangoonwala .vs. The State of Maharashtra through PSO PS.
Sadar, Nagpur.

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

Court's or Judge's orders

Mr. A. A. Gupta, Advocate for applicant.
Mr. V. A. Thakare, A.P.P for non applicant-State.

CORAM : ANIL L. PANSARE, J.
DATE : FEBRUARY 16, 2023.

Heard.

2. The informant is owner of Toyota Fortuner vehicle bearing registration No.MH40/AC-1942. He intended to sell the vehicle. His friend Shyam Gupta suggested name of Mohit Gupta, who is involved in the sale-purchase of four wheeler. It appears that Mohit Gupta, by obtaining signature of the informant, got the no objection certificate and other documents to sell the vehicle. The vehicle, ultimately, was sold by Mohit Gupta to the applicant. Prima facie, the applicant appears to be the bona fide purchaser. It is nobody's case that the applicant has not paid the amount. The First Information Report indicates that the informant has been cheated by Mohit Gupta and not by the applicant.

3. The investigating officer shall definitely take note of the aforesaid fact as reflected in the FIR itself. Further, the offence being under Sections 420 and 406 of the Indian Penal Code, 1908 the maximum punishment provided is 7 years.

4. In the circumstances, learned counsel for the applicant submits that the purpose of filing the present application will be served if the investigating officer is directed to proceed with the investigation in terms of the law laid down in the case of **Arnesh Kumar Vs. State of Bihar**, reported in **(2014) 8 SCC 273** and **Satender Kumar Antil Vs. Central Bureau of Investigation and another**; reported in **(2002) 10 SCC 51**.

5. The learned A.P.P. though opposed the application, concedes that the application can conveniently be disposed of by directing the investigating agency to follow the law laid down in the judgments mentioned *supra*.

6. As such, there is no need to issue any such directions as the investigating officer is bound by the law laid down by the Hon'ble Supreme Court. However, by way of an abundant precaution, the investigating officer is directed to follow the directions issued in the aforesaid judgments.

7. The application is disposed of with the above observations.

(Anil L. Pansare, J.)