

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

CRIMINAL APPLICATION (ABA) NO. 132/2023

Usha Rajendra Naik .vs. State of Maharashtra through PSO P.S. Gadge Nagar, Amravati,
Tq. Dist. Amravati.

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

Court's or Judge's orders

Mr. Virat Mishra, Advocate for applicant.
Mr. I. Damle, A.P.P. for non applicant no.1-State.
Ms D. Pandey, Advocate for informant.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 6, 2023.

The applicant is apprehending arrest in Crime No.91/2023, registered with Police Station, Gadge Nagar, Amravati for the offences punishable under Sections 120-B, 34, 420, 465, 468, 471 and 476 of the Indian Penal Code.

2. The accusation against the applicant is that she, along with co-accused, have forged legal heir certificate, in the sense that the co-owner, informant, who was alive has been shown as dead. It is further alleged that without filing the case before the Civil Court, they have forged legal heir certificate dated 17.11.2017. The informant is mother in law of applicant. The father in law expired and thereafter husband of the applicant expired. The father in law had a share in some immovable property of the ancestors. After his death, his share in the property would be inherited by the husband of the applicant as one of the legal heirs. The other legal heir was the informant. The applicant and co-accused, therefore, have allegedly, with an intention to deprive the informant of her legitimate rights of inheritance of property, prepared the false legal heir certificate.

Thus, applicant, her sons Rohan and Shubham have obtained the illegal legal heir certificate.

3. Learned A.P.P. submits that inquiry was made and it was found that there was no such proceedings before the 5th Jt. Civil Judge Junior Division, Amravati. It is further the accusation that the applicant and co-accused have sold the immovable property on 02.08.2021 to one Mohanlal Gaur by saying that mother in law of the applicant is dead and that the applicant and co-accused are the only legal representatives of the father in law of the husband of the applicant.

4. The applicant is alleged to be member of fraud committed in respect of the properties that were sold for Rs.1.5 Crores.

5. Prima facie there appears overwhelming evidence against the applicant. The investigating officer insists for the custodial interrogation on multiple counts viz. from where legal heir certificate was obtained, from where stamps and seals of the court was obtained, how the amount has been disposed of amongst the applicant and co-accused, whether the applicant and co-accused are involved in any other case, etc.

Thus, there is no merit in the application. It is accordingly, rejected.

(Anil L. Pansare, J.)