

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

...

CRIMINAL APPLICATION (ABA) NO. 829/2022

Kamlesh Gajanan Shendre

.. Applicant

versus

The State of Maharashtra

Th: Its PSO PS Wathoda, Nagpur

.. Respondent

.....
Mr. V. U. Waghmare, Advocate for the applicant

Mr. Nitin Rode, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 20th February, 2023.

PC:

Heard Mr. Waghmare, learned counsel for the applicant, at length.

2. The applicant is apprehending arrest in Crime No.20/2022 registered with Police Station Wathoda, Nagpur, for the offences punishable under sections 420, 406, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. Briefly stated, the prosecution case is that the Officer of the Nagpur Improvement Trust (in short "NIT"), namely, Pritesh Jagdish Bansod has set the law in motion on 13.01.2022 stating that the land bearing Khasra No.157 admeasuring 19.10 acres situated at Wathoda is owned by the NIT. The leasehold rights were given in favour of the father of the applicant so also three other persons. The applicant and his father along with others have executed power of attorney on 1st October 2022 in favour of one Sk. Mehmud S/o Sk. Mehboob, with regard to the said property.

4. During the course of arguments, learned APP has tendered an additional affidavit which is taken on record and marked "X" for the purpose of identification. The learned APP has read over the contents of the power of attorney, which states that the executor of power of attorney i.e. applicant,

his father and two others have carved out plots in the aforesaid land for the purpose of selling it to the purchaser. The power of attorney has been given in favour of Sk. Mehmud Sk.Mehbub. Thus, it is clear that the applicant is involved in carving out the plots when the land under question was allotted under the leasehold rights and that it was an agricultural land and that no prior permission was taken from NIT and that the user of the land was not converted for non-agricultural purpose. The applicant and others have allegedly cheated many gullible persons and have collected an amount of Rs. 71 crores approximately.

5. Thus, it appears that a huge financial fraud has been committed. The investigation is in progress. It is, however, worth noting that the FIR has been lodged on 13.01.2022. The Investigating agency ought to have completed the investigation by now. The learned APP submits that the charge-sheet is likely to be filed soon.

6. At this stage, learned Advocate for the applicant submits that if the charge-sheet is likely to be filed soon, the interim relief may be granted by putting the applicant to appropriate terms.

7. Considering the nature of allegations, when the evidence is in the form of documents and the applicant and others on the face of record have cheated many persons, the offence under question can be said to be a serious offence. In the circumstances, let the message be conveyed that the persons involved in the cases of cheating innocent persons and collecting huge amount will be dealt with the firm hands and that no leniency will be shown to them. The Application is rejected.

[ANIL L. PANSARE, J.]