

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION NO.497 OF 2017**

Paresh Kishor Kadam

...Applicant

vs.

The State of Maharashtra

...Respondent

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|------------------------------|-----------------------------|
| On behalf of the Applicant:- | No one is present.          |
| Mr.H.J.Dedhia:-              | APP for Respondent – State. |

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**CORAM : S. M. MODAK, J.**

**DATE : 18<sup>th</sup> APRIL 2024**

**P.C. :-**

**1.** This Revision is pending since 2017 and no one is attending from the side of Applicant. The present Applicant is one of the co-accused in Sessions Case No.664 of 2014. The prosecution has filed charge sheet in the offence registered with Goregaon Police Station, Mumbai in C. R. No.95 of 2014. The offences are 406, 420, 465, 467, 468, 471, 472, 355, 256, 260, 120B read with Section 34 of the Indian Penal Code.

2. Sum and substance of the allegations is that the accused persons in connivance with each other have assured several persons of arranging flat from the quota allotted to Chief Minister. The witnesses were given assurances and they have parted away several amounts and neither the flats were arranged nor the money is refunded. The offence is registered on the complaint of one Mr.Satyanarayan Fakirchand Karir on 12<sup>th</sup> May 2014. In all, the money parted away from several persons is Rs.2,04,02,000/- (Rupees Two Crores Four Lakh Two Thousand only). Even in some cases, the accused persons have also handed over the possession letters and agreements which were claimed to be fraud.

3. The accused are from the same family. Accused Kishor Kadam and Kalpana Kadam are parents of accused Nikhil Kadam. Whereas, the present Applicant Paresh Kadam is the brother of accused Nikhil. There is one outsider by name Shyamsundar alias Shyambhai Padval.

4. After going through the charge-sheet, accused applied for discharge. It is rejected by Court of Additional Sessions Judge on 2<sup>nd</sup> August 2017. It is true that the Revision cannot be dismissed for default because of issue of legality of the Order is involved. I have granted some time to Applicant to argue the matter. However, no one

has appeared.

5. Accordingly, I have heard learned APP. I have perused the record made available. Police Inspector E.O.W. has filed Affidavit showing the materials about involvement of the Applicant which is taken on record.

I have perused the same.

6. It is true that it is not claimed that this Applicant has made an attempt to accept the amount from prospective purchasers. There are materials in the form of statements which indicate about knowledge about this transaction to the Applicant. Either he introduced the prospective purchasers to his brother accused Nikhil or on some occasions, even he was present when money is handed over. On other occasions, even he has tried to convince the prospective purchasers about getting flat. These allegations *prima facie* show the involvement of this Applicant. Some of said statements are:-

- (a) Complaint lodged by Mr.Satyanarayan Fakirchand Karir,
- (b) Statement of Mr.Norbat Manual Monis,
- (c) Statement of Mr.Sanjay Shripati Patil.

7. I have perused those materials and find there are allegations, as submitted by learned APP showing the involvement of this Applicant

as true. The trial Court has also referred about involvement of the Applicant in Cr.No.95 of 2014. In view of the same, I do not find any illegality in the findings recorded by the trial Court.

**8.** There is no merit in the Revision. Hence it is dismissed.

**9.** The only forum for the Applicant to agitate his grievance about his innocence is before the trial Court by participating in the trial. These materials are sufficient to frame charge. Trial Court to decide amongst several charges, which charge can be framed against him. The observations are *prima facie*.

[S. M. MODAK, J.]

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