



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CRIMINAL WRIT PETITION NO. 189 OF 2021

ROOPRAO S/O JALBARAO KADAM

.... **Petitioner**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

... **Respondents**

.....
Advocate for Petitioner : Mr. G. G. Kadam

APP for Respondent-State : Mr. S. M. Ganachari

.....

CORAM : SACHIN S. DESHMUKH, J.

Dated : September 29, 2025

ORDER :-

1. The petitioner has raised an exception to the order dated 20.09.2019 rendered by the learned Additional Sessions Judge, Nanded, in Criminal Revision Application No. 108 of 2014 presented by the petitioner, endorsing the order dated 29.09.2014 rendered by the learned Judicial Magistrate First Class, Hadgaon, Dist. Nanded, in B-Final No. 29 of 2012, rejecting the Protest Petition of the petitioner.

2. The petitioner presented the complaint in relation to a duly registered sale-deed of the year 1991. In relation to the execution of the sale-deed, the assertion was made by the

petitioner, for the first time, by presenting the complaint in the year 2007.

3. The learned Magistrate, by its order dated 03.04.2007, directed the investigation to be carried out in accordance with the provisions under Sections 156(3) of the Code of Criminal Procedure (hereinafter "CrPC" for short). Accordingly, the FIR was registered bearing Crime No. 50 of 2007 under Sections 415, 416, 420, 467 and 468 read with 34 of the Indian Penal Code (hereinafter "IPC" for short) and resultantly, Criminal Case No. 90 of 2007 came to be registered.

4. While carrying out the investigation, the Investigating Officer, after considering the documents on record, submitted the 'B' Summary Final Report. While challenging the same, the petitioner presented the Protest Petition. The learned Magistrate, considering the fact that the report of the Handwriting Expert indicates the thumb impression of the complainant on the sale-deed matches with the specimen rejected the protest petition and upheld the 'B' Summary Final Report. Accordingly, the learned Magistrate dropped the criminal proceedings against the accused persons discharging them from the alleged offences.

5. Aggrieved thereby, the petitioner presented the revision application before the learned Additional Sessions Judge, Nanded. While endorsing the order of the learned Magistrate, the learned Additional Sessions Judge dismissed the revision application. Resultantly, the petitioner approached this Court by this petition under Article 227 of the Constitution of India.

6. Heard learned counsel for petitioner and the learned APP for respondents-State and perused the record made available.

7. It is the contention of the learned counsel for the petitioner that the Courts below are not justified in accepting the 'B' Summary Final Report, when prima facie case was made out against the respondents herein. Hence, prayed to allow the petition.

8. The learned APP supported the impugned orders and prayed to dismiss the petition.

9. It is a matter of record that the Investigating Officer had sought an opinion of the Hand-writing expert regarding the

alleged thumb impression on the sale-deed. Perusal of the report of the Hand-writing Expert unequivocally establishes the fact that the thumb impression on the said registered sale-deed is of the complainant / petitioner. Nevertheless, the witness cited by the complainant did not support the case before the Trial Court.

10. The perusal of the record also indicates and establishes that the document in question is duly registered in the year 1991. While the petitioner for the first time in the year 2007 raised a complaint challenging the said document. Considering the inordinate and unexplained delay on the part of the petitioner while presenting the complaint, same disentitles the petitioner to claim any relief.

11. As such, I am of the considered opinion that the learned Magistrate has not committed any error while rejecting the Protest Petition presented by the petitioner and upholding the 'B' Summary Final Report, dropping the proceedings against the respondents herein. The same is duly endorsed by the learned Additional Sessions Judge while dismissing the revision application presented by the petitioner.

12. In view of the above, no case is made out to interfere with the findings rightly rendered by the Courts below. Accordingly, writ petition stands **dismissed** with costs of Rs.3,000/- (Rs. Three Thousands Only) each to be paid by applicant to respondents No. 2 to 6.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi