CHITRA SANJAY SONAWANE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition No.1049 of 2009

Murlidhar Aaba Avate
Age: 48 years,
Occu: Agriculturist,
R/at: 1, Kundal,
Tal.Palus, Dist. Sangli … Petitioner.

Versus

1. Tukaram Yeshwant Babar
Age: 75 years, Occu: Agriculturist

2. Sou. Sharada Tukaram Babar
Age: 50 years, Occu: Housewife,
Both residing at Ramananda Nagar,
Burli, Tal. Palus, Dist Sangli.

3. Sou Shanta Kallappa Patil
Age:55 years, Occu: Housewife
r/at: Palus Colony, Palus, Dist Sangli.

4. Shankarrao Shantaram Chinchkar
Age:50 years, Occu: Agriculturist
r/at: Bamnoli, Tal. Miraj, Dist Sangli.

5. Shankar Shamrao Himane
Age:40 years, Occu: Agriculturist,
r/at: Walwa, Tal.Walwa, Dist: Sangli … Respondents.

Mr Mayank Tripathi, along with Mr BA Walimbe, for the petitioner.
Mr Umesh Mankapure, for respondents No.1 to 5.

Coram: R.N. Laddha, J.
Date: 13 March 2025.

P.C.:

Heard learned Counsel for the parties.

2. In this writ petition, the petitioner seeks to challenge the order dated 16 March 2009, passed by the learned Additional Sessions Judge, Islampur, Sangli, in Criminal Revision Application No.25 of 2008. By this order, the learned Sessions Judge allowed the revision application filed by respondents No.1 to 3 and set aside the process issuance order previously passed by the learned Judicial Magistrate First Class, Islampur, in RCC No.115 of 2006.

3. Mr Mayank Tripathi, learned Counsel appearing on behalf of the petitioner, submits that the land Survey No.503/1A in Walva, Sangli, is the joint family property of respondent No.1 and his wife. However, respondent No.1 fraudulently registered his name in the land records by providing false information to the Talathi, who subsequently made the mutation entry. The dispute over the said land was already pending before the Civil Court, and respondent No.1 was fully aware of this fact. Furthermore, Shashikant Babar had issued a public notice to prevent respondent No.1 from transferring the

land while the suit was pending. The revision application filed by Shashikant Babar was upheld by the Sub-Divisional Officer, resulting in the cancellation of mutation entry. Despite these facts, the learned Counsel argues that respondent No.1 executed a registered sale deed on 5 December 2005, and sold the property. During this transaction, respondents submitted fabricated and bogus documents. Moreover, in the said deed, respondent No.1 falsely affirmed through an affidavit that he did not own any other property.

4. Upon reviewing the records, it appears that the primary contention of the petitioner, who is the original complainant, is that his father-in-law, respondent No.1, executed a false sale deed, falsely declaring that he owns only 34 Ares of land in Mauje-Walva and no other land in Maharashtra. He claimed not to own more than eight acres of land. However, in reality, he also possesses agricultural land in the village-Kundal. According to the complainant, the respondents-his father-in-law, sister-in-law and co-shareres of the land- have deceived his wife. However, it is important to note that the complainant's wife has not been cited as a witness in the complaint. Furthermore, upon examining the verification statement, no elements constituting an offence are made out. Additionally, the petitioner had filed a Civil Suit based on similar allegations,

which was dismissed, and the subsequent appeal was also rejected.

5. In light of the above, the petition stands dismissed.

[R.N. Laddha, J.]