

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO. 1331 OF 2024

Nandkumar Someshwar Sakhare And Ors. Appellants

Versus

The State of Maharashtra and Anr. Respondents

Mr. Dhananjay D. Rananaware, Advocate for the Appellants.

Mr. S. H. Yadav, APP, for the Respondent – State.

Adv. Durva Tatkare, Advocate for Respondent No.2.

N. S. Raskar, P.N. Dahiwadi Police Station, Satara – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th MARCH, 2025.

P.C. :

1. The Appellants are challenging the judgment and order dated 13th December, 2024 passed by the Additional Sessions Judge, Vaduj, Satara (for short “learned Judge”).

2. The Appellants apprehending arrest in Crime No.233 of 2024 registered with the Dahiwadi Police Station, Satara, for the offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”) and Section 3(1)(F), 3(2)(5) and (6) of the Schedule Castes and Schedule Tribes Act (Prevention of Atrocities Act, 1989).

3. It is prosecution's case that the first informant owns land at Mhaswad, Tal. Man, Satara. It is alleged that the Appellants purchased the land of first informant by impersonating her, who belongs to Schedule Cast. The Appellant and co-accused, forged and fabricated documents to unlawfully acquire the first informant's land.

4. It is contention of learned counsel for the Appellants that the Appellants have been falsely implicated in this case. As per the prosecution's case the land of the first informant was sold in the year 2010, and she came to know about the sale of the land in the year 2016. She had filed a suit against the Appellants and other persons. The said suit is dismissed for default in the year 2023. Subsequently, in May 2024 , she has filed present complaint against the Appellants. However, the compliant does not contain any reference about abuse on cast to the first informant. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for Respondent No.2 that the Appellant along with co-accused purchased the land of the first informant by impersonating her. The Appellant and co-accused have forged and fabricated documents of the land of the first informant. Considering the serious allegations

against the Appellants, their custodial interrogation is required and requested to dismiss the appeal.

6. I have heard all learned counsel. Perused FIR and document produced on record.

7. It is alleged that the property in question was purchased by the Appellants in the year 2010, and the first informant came to know about it, in year 2016. However, the present crime was reported in May, 2024, indicating a significant delay in lodging the complaint against the Appellants. Moreover, the FIR does not mention any instances of the Appellants abusing the first informant on the basis of her caste. Considering these facts, their custodial interrogation are not required.

8. In such circumstances, the Criminal Appeal is allowed and disposed of in terms of the order dated 19th December 2024, it is made absolute subject to condition that the Appellants shall report to the Investigating Officer as and when required and shall co-operate with the Investigating Agency and the Appellants shall not contact with the first informant and prosecution witnesses.

9. All pending applications, if any, stand also disposed of.

(SHIVKUMAR DIGE, J.)