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

CRIMINAL APPLICATION (ABA) NO. 979 OF 2025
Ashish s/o Waman Belekar and another Vs. State of Maharashtra
AND
CRIMINAL APPLICATION (ABA) NO. 971 OF 2025
Jitendra s/o Bhaurao Ghivdonde Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Shri Sachin Katarpawar, Advocate for applicants.
Shri N.R. Rode, AGP / APP for respondent/State.

CORAM : RAJNISH R. VYAS, J.
DATE : 16.04.2026.

1. The applicants are the original accused in First Information Report No.814/2025 dated 24.11.2025 registered with Police Station, Jaripatka, Nagpur for the offences punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code (for short, "IPC").

2. The applicants in ABA No. 979/2025 are Ashish Waman Belekar and Nalini Waman Belekar, who are shown as accused No. 1 and 2; whereas, applicant - Jitu Thakur alias Jitendra Bhaurao Ghivdonde in ABA No.971/2025 is shown as accused No.4 in the First Information Report.

3. The First Information Report was registered on the basis of complaint lodged by informant Yethirajyam Raghunat Narayan Swami who has stated that on 15.07.2022, applicant -Jitendra Bhaurao Ghivdonde had been to his office and asked him whether he is willing to purchase two plots. He then took said informant to the spot and showed him the immovable property. The informant asked him to show relevant documents regarding ownership of the property. After 2-3 days, applicant-Jitendra came with the agreement to sell /possession receipt dated 07.01.2000 and 07.04.2000 regarding plot no.1 and plot no.2 executed between Adivasi Unnati Ghruvnirman Society through its President Shri Muralihar Chintaman Nimje and purchaser Nalini Waman Belekar. So also, the certificate dated 15.01.2000 issued on letter pad of Adivasi Unnati Ghruvnirman Society through its President Shri Muralihar Nimje and purchaser Nalini Waman Belkar regarding plot no.1 and letter dated 19.04.2000 regarding plot no.2 executed between the aforesaid persons. It was also alleged in the First Information Report that photocopies of several other documents were shown to the informant. The informant then asked said Jitendra Bhaurao Ghivdonde to bring the owner of the property for further discussion.

4. Again after 2-3 days, alongwith Jitendra Ghivdonde, one Ashish Belekar/accused No.1 came, who told that plot No.1 admeasuring 3500 sqft, plot no.2 admeasuring 3600 sqft are in the name of his mother Smt. Nalini Waman Belekar and since she was ill, it would be accused No.1 who would enter into an agreement. At that time, the consideration was ₹2 crores proposed and finally it was fixed at ₹1.60 crore. The token amount of ₹11,000/- each was paid for 2 plots by the informant by way of cheque drawn in the name of accused no.2 to the aforesaid persons. Thereafter, on 22.07.2020, on the stamp paper of ₹100, an agreement was executed by Smt. Nalini Waman Belekar and Indrayani Atul Wasnik in which Ashish Belekar/accused No.1 and Jitendra Bhagiv Dhonde stood as witnesses. Thereafter, amount of ₹5,00,000/- was paid through RTGS in the name of accused no.2 to accused no.1. It was agreed that remaining amount would be paid by obtaining loan from the bank for which necessary documents were to be supplied within six months. It was alleged that from 02.09.2020 till 07.07.2022 the informant had transferred amount of ₹60,50,000/- for making payment to accused no.1. Ultimately, it was found that the accused Nos.1 and 2 were not the owners of the aforesaid property and they have played fraud upon the informant. It was also alleged in the First Information Report that the amount though agreed to be refunded the same was not done and even the agreement regarding cancellation was also executed. It was alleged that the documents i.e. agreement/the possession receipt and a demand note which was shown, were the forged documents.

5. Learned counsel for the accused Nos.1 and 2 has submitted that there is no fraud played by the present applicants and in fact, the dispute is purely of civil nature. He further submitted that though by the order dated 24.12.2025, he has agreed to deposit amount of ₹20 lakhs within 2 weeks, it is due to the circumstances beyond the control from the applicants in ABA No.979 /2025, could not deposit the amount. So far as the argument of learned counsel for the accused No.4 – Jitendra Ghivdonde is concerned, it is contended that he was not at all involved in the commission of crime and he had introduced the purchaser to the seller. According to him, he is not benefited from the transaction.

6. Per contra, learned APP has contended that the offence was committed in a very systematic manner. Though the applicants in ABA No. 979 /2025, were not having any title, several documents were shown to the informant in order to gain his confidence and thereafter the agreement was entered into.

7. Learned counsel for the complainant has contended that the informant has parted with a huge amount of ₹60,50,000/- and he was cheated by hatching a criminal conspiracy by common intention.

8. With the assistance of the respective counsels, I have gone through the record and given thoughtful consideration to the arguments advanced.

9. At the outset, it is necessary to mention here that, this court on 24.12.2025, in ABA No.979 /2025 has stated that applicants are ready to deposit amount of ₹20 lakhs within two weeks. The order shows that it is on the basis of assurance given by the applicants, the interim relief was granted. It is undisputed that till this date amount of ₹20 lakhs is not deposited. Learned counsel for the applicants submitted that it is due to reasons beyond their control the amount of ₹20 lakhs could not be deposited. The said reasons are not brought on record. Suffice it to say that the statement which was made and was sought to be fulfilled, was departed from by the applicants in ABA No.979/2025.

10. So far as allegations against the accused Nos.1 and 2 are concerned, nothing has been brought on record to show that they have any title over the immovable property in question. The informant has parted with huge amount as already stated. It cannot be ignored that the false documents were shown by the original accused Nos.1 and 4 to the informant and thereafter on the basis of which amount of ₹60,50,000/- was transferred in favour of the accused No.2. Therefore, I find that the prima facie a case is made out by the prosecution against the applicants.

11. So far as ABA No.971 / 2025 is concerned in which original accused No.4 has approached this Court, it has been categorically stated that initial proposal was given by accused No.4. So also a meeting was arranged between the seller and the purchaser. It was the accused No. 4 who has shown the forged documents to the complainant. It cannot be ignored that even offence under Section 34 of Indian

Penal Code is invoked in the present case. At this stage it is necessary to mention here that while considering an application under Section 482 of BNSS, in-depth enquiry is not necessary. Perusal of record will clearly reveal that prima facie case is available against the present applicants. Investigation to unearth offence of forgery would also be necessary. Thus, in view of discussion made supra, I find no merits in the present applications and accordingly following order is passed:

ORDER

The Criminal Applications are rejected.

(Rajnish R. Vyas, J.)

Wagh