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

CRIMINAL APPLICATION (ABA) NO. 340 of 2026

(Abdul Javed s/o Abdul Hayat Sheikh Vs. The State, thr PSO, PS Kalamna, Nagpur)

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

Mr. V.N. Mate, Advocate for applicant.
Ms. M.R. Kavimandan, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.
DATE: 07.05.2026

Heard.

2. Apprehending arrest, the sole accused in First Information Report 57/2026, dated 23.1.2026, registered with Kalamna Police Station, Dist. Nagpur, for the offences punishable under Sections 406 and 420 of the Indian Penal Code, has approached this court.

3. The reporter of the crime is a lady by name Sunanda Vasanta Nandanwar. She has alleged in the FIR that she is working as a Cook and resides with her husband. In the year 2018, she had purchased the plot No. 37, in Khasara No. 109/1, from Aasara Land Developers and Builders, which was owned by Sau. Prabhabai Kukday, for a valuable consideration of Rs. 5,50,000/-. The amount was paid by her in equal monthly installments of Rs.10,000/- each. In the year 2019, the possession receipt was executed in her favour and she had constructed a tin shed and started residing there. It was alleged that on several occasions, various persons had visited

the immovable property and claimed ownership over the property and asked her to hand over the possession of the property. The informant then immediately approached the applicant who was proprietor/owner of Aasara Land Developers and Builders, and requested to accompany her to lodge a report but the applicant avoided for it.

4. The informant, then approached the owner of the land by name Prabhabai Kukday, who told her that many persons had encroached the land situated in Khasara No. 109/1 and had sold the land by demarcating the plots. She further disclosed that she had filed civil suit in that regard which is pending. She also disclosed that she had not authorized anybody to sale the property. Thus, the informant, though, was not owner of the property, sold it by accepting amount of Rs. 5,50,000/-. The informant, in the FIR, had also stated that one Mohd. Salman was also cheated in the similar manner by the applicant.

5. In this background, learned counsel for the applicant has argued that the power of attorney was executed by Prabhabai Kukday in favour of one Ajay Jawahar Channor in the year 2016. On the basis said of power of attorney, Ajay Channor executed (Tokan Chitthi) on a stamp paper of Rs. 100/- in favour of one Chhotu Verma. In the said Tokan Chitthi it was mentioned that the name of applicant and one Chhotu Verma can be mentioned on a display board along with their phone numbers. In this background, learned counsel for the applicant has contended that he has title over

the property and therefore, the application be allowed.

6. *Per contra*, learned APP has contended that from the documents produced on record it would reveal that the applicant was having no title over the property.

7. With the able assistance of the learned counsels for the respective parties, I have gone through the record of the case.

8. Admittedly, Prabhabai had executed the power of attorney in favour of Ajay Channor. The said Ajay Channor had entered into Token Chitthi with Chhotu Verma. In the said Token Chitthi, it was mentioned that the name of the present applicant and Chhotu Verma can be shown along with their phone numbers on the display board. The contention of learned counsel for the applicant that on the basis of said document, the transaction was entered into and the title flows in favour of the applicant in view of the said Token Chitthi, is without any substance. It cannot be ignored that neither the power of attorney nor any agreement was entered into at any point of time between applicant and original owner and as such, the applicant had absolutely no authority or title to deal with the property in question.

9. Since, the offences is punishable under Sections 420 and 406 of the Indian Penal Code what is required to be seen as regards Sec. 420 of the IPC is whether the applicant was developing fraudulent intention from initial stage or not.

Accepting the amount for selling the property which is not even owned by the applicant clearly shows that the applicant was developing the fraudulent intention from the initial stage only. Since, *prima facie*, case is made out, I am not inclined to allow the application. Hence, the application is rejected.

(RAJNISH R. VYAS, J.)

Belkhede, PS