

MHBI010031172025	Received on	:	09/09/2025
	Registered on	:	10/09/2025
	Decided on	:	01/07/2026
	Duration	:	Y. M. Ds.
		:	00 09 22

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, BEED,
(Before S. R. Shinde, Addl. Sessions Judge, Beed.)

CRI. REVISION APPLN. No.61/2025

EXH. No.15/B

Bhimrao s/o. Anaji Sawase,

Age: 60 years, Occupation : Agriculture,

R/o. Vighnawadi, Tq. Shirur (K.), Dist. Beed

.... Revision applicant.
(Original complainant)

- Versus -

- 1) **State of Maharashtra**
- 2) **Kacharu s/o. Namdev Gujar,**
Age: 64 years, Occupation : Agri.,
- 3) **Chandrabhaga w/o. Baburao Gujar,**
Age: 69 years, Occupation : Household and Agri.,
- 4) **Prabhu s/o. Baburao Gujar,**
Age: 51 years, Occupation : Agri.,
- 5) **Baburao @ Bapurao s/o. Trimbak Gujar,**
Age: 34 years, Occupation : Agri.,
All R/o. Vighnawadi, Tq. Shirur (K.), Dist. Beed
- 6) **Shabbir Bismilla Pathan,**
(The Then Talathi), Talathi Sajja,
Rakshasbhuvan, Tq. Shirur (K.), Dist. Beed

....Respondents.
(Original Accused No.2 to 6)

Application U/s.397 of Criminal Procedure Code.

For applicant/ Revision petitioner	:-	Adv. R.P.Dhase,
For respondents No.2 to 5	:-	Adv. N.N.Sable,
Respondent No.1 Formal Party and respondent No.6 Ex-parte		

JUDGMENT**(Delivered on 01st July, 2026)**

01] Being aggrieved and dissatisfied by the order dated 03.06.2025 passed below Exh.1 in Cri.M.A.No.184/2021 by the Judicial Magistrate First Class, Shirur Kasar, original complainant /applicant has filed this revision. Respondent No.1 is State of Maharashtra. Respondents No.2 to 6 are original accused. (Parties shall be referred to as 'Complainant' and 'Accused' as per their original nomenclature in the Trial Court.) By the impugned order the Trial Court dismissed the application as per Section 203 of Criminal Procedure Code (in Short 'Cr.P.C.').

02] It is the case of applicant/ complainant that, agricultural lands of farmers residing at village Rakshasbhuvan, Tq. Shirur Kasar, Dist. Beed are acquired for the project of Central Railway. According to complainant, his land admeasuring 18-R out of Gat No.127 was acquired for the said project. Similarly the lands of the witnesses i.e. Bhanudas Savase and others were partly acquired by Central Railway. Though, the area of land mutated in the name of complainant and witnesses No.1 to 7 is reduced in the revenue record, they have not received the amounts of compensation towards the said acquisition. According to complainant, land admeasuring 89-R mutated in the name of accused No.1 is shown to have been acquired for the said project.

Earlier land admeasuring 1-Hector 10-R was mutated in his name. After acquisition of land admeasuring 89-R in 7/12 extract of Gat No.127 land admeasuring 87-R is shown in the name of accused No.1, instead of land admeasuring 21-R. It is the allegation raised by informant that, the accused in conspiracy with the then Talathi i.e. accused No.5 have manipulated the revenue record. Similarly lands mutated in the name of accused No.2, 3 and 4 after the acquisition are more than it should have been. According to complainant, the accused, Talathi and officers and staff in Land Acquisition Department have committed preplanned crime by preparing manipulated and bogus documents. The complainant and witness No.7 have filed objection petition in L.A.R.D. No.87/2020. The complainant has prayed to hold enquiry and punish the accused.

03] After recording verification of the complainant, the JMFC Shirur Kasar by order dated 16.01.2023 called report as per Section 202 of Cr.P.C. After receiving the report under Section 202 of Cr.P.C. Cri.M.A.No.184/2021 was dismissed on merits.

04] Heard learned advocate for the revision petitioner and learned advocate for the respondents. They argued as per petition and say as referred above. To avoid repetition, I find it would be just and proper not to reproduce the arguments of both the sides.

05] Considering the application of complainant in Trial Court, documents annexed and order passed by the Trial Court coupled with the grievance of revision petitioner/original complainant and say filed by the respondents, following points arose for my determination, I have

recorded them with my findings on them for the reasons to follow as under ;

	<u>POINTS</u>	<u>FINDINGS</u>
01.	Whether the order dated 03.06.2025 passed below Exh.1 in Cri.M.A. No.184/2021 by the Judicial Magistrate First Class, Shirur Kasar is just, proper and legal ?	Yes.
02.	Whether the dated 03.06.2025 passed below Exh.1 in Cri.M.A.No.184/2021 by the Judicial Magistrate First Class, Shirur Kasar, needs any interference ?	No.
03.	What order ?	As per final order

- R E A S O N S -

AS TO POINT NOS. 1 TO 3 : -

06] Considering the rival submissions of both sides and the impugned order passed by the Trial Court on 30.06.2025, I find that, in order to constitute the alleged offences punishable under Section 166, 167, 218, 420, 465, 466, 467, 468, 406 read with Section 34 of I.P.C. the most basic ingredient the complainant must establish that, the accused committed the crime with an intention to cheat or defraud the complainant and witnesses. Though, it is the allegation of the complainant that, the accused with an intention to cause wrongful loss to the complainant and witnesses and to wrongfully gain for themselves manipulated the revenue record, the complainant has not produced on record documentary evidence about any proceeding filed by him or any of the witnesses to correct the record maintained by the revenue

department. During argument the advocate for the accused produced on record an application filed by accused No.2 to 5 and one Haribhau Kisan Gujar on 17.08.2021. In the said application, the accused have stated that, the land admeasuring 58-R from the land of accused No.5, the land admeasuring 56-R from the land of predecessor of accused No.3 and 4, the land admeasuring 89-R from the land of accused No.1 has been acquired for the project by Central Railway. They have contended that, in mutation entry No.3829 the only land admeasuring 18 Guntha each has been reduced from the area of land in their name which is wrong. They have prayed that, the land admeasuring 2-Hector 11-R be reduced from the area mutated in their names and accordingly mutation entry No.3829 be modified and corrected. Thus, it is evident that, the accused have acted bonafide and thereby it becomes clear that, they were not having any intention to cheat or defraud the complainant and witnesses. In report filed by police under Section 202 of Cr.P.C. there are statements of accused recorded by the police which specifically described the filing of above application on 17.08.2021. Hence, I find that, there is no offence made out against the accused. The order passed by JMFC, Shirur Kasar is just, proper and legal and there is no need to interfere with it and answer points No. 1 and 2 accordingly and pass the following order.

ORDER

- 1] Criminal Revision Application is dismissed.
- 2] The order dated 03.06.2025 passed below Exh.1 in Cri.M.A.No.184/2021 by the Judicial Magistrate First Class, Shirur Kasar is hereby confirmed.

- 3] Inform the Judicial Magistrate, First Class, Shirur Kasar, accordingly along with copy of judgment.

(Judgment dictated and pronounced in open Court.)

Date : 01/07/2026

(S. R. Shinde)
Additional Sessions Judge,
Beed.

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

(A.R.Patil)
Stenographer Gr-II
Addl. Sessions Court, Beed.