



Mahammad Munajir Siptenabai
Inamdar

Vs

Rajendra Sadashiv Adhalrao Patil

ORDER BELOW EXH. 01

This is a private complaint for the offences punishable under Sections 465, 467, 471, 420, 406 r/w 34 of the Indian Penal Code, 1860.

2. Heard Ld. Adv. for complainant. Considered his submissions.

3. It is case of the complainant that, in the year 2010, the Grampanchayat Manchar had allotted him a rental shop bearing shop No.13 at Shivaji Maharaj Vyapari Sankul. The Complainant contended that he used to operate his jute gunny bag manufacturing business from the said shop. The complainant also contended that on one fine day in the year 20014, his maternal uncle namely Mr. Gulam Abbas Hidayat Ali Mir visited the said shop and informed him about the term of his shop agreement soon going to expire.

4. The complainant also contended that immediately after intimating the term of his shop agreement soon going to expire, his maternal uncle namely Mr. Gulam Abbas Hidayat Ali Mir took him to the advocate's office, where he was asked to affix his signature on the one of the document. The complainant further contended that keeping the trust on his maternal uncle namely Mr. Gulam Abbas Hidayat Ali Mir, he affixed his signature on the said document but latter on it was came to know that Mr. Gulam Abbas Hidayat Ali Mir had fraudulently asked him to affix his sign on the sale deed representing it is for renewal of rent agreement. The complainant further contended that Mr. Gulam Abbas Hidayat Ali Mir fraudulently took is signature and sold the above-mentioned shop to accused No.1 Rajendra Sadashiv Adhalrao Patil and thereby

committed the offence punishable under section 465, 467, 471, 420, 406 r/w 34 of IPC. Therefore he filed complaint against them in Manchar Police Station on 30/05/2014. Also he has filed complaint towards उपविभागीय आयुक्त पुणे, जिल्हा समाज कल्याण अधिकारी, मुख्य कार्यकारी अधिकारी पुणे जिल्हा परीषद पुणे, मा. सचिव नगर विकास विभाग मंत्रालय मुंबई, मा. मुख्यमंत्री महाराष्ट्र राज्य, मा. राज्यपाल महाराष्ट्र राज्य, मा. आयुक्त अपंग कल्याण महाराष्ट्र राज्य, मा. जिल्हाधिकारी पुणे. Despite that no one has taken cognizance of said complaint. Hence complainant was constrained to file a present complaint.

5. Ld. Advocate for complainant vehemently argued as per complaint. He submitted that complainant has filed complaint towards various department but no one has taken cognizance of the same. Hence, complainant filed present complaint in the Court. Prima facie case is made out against the accused and there is sufficient material for the issuing process. Hence, he prayed for the reliefs sought.

6. Perused the complaint, verification of complainant, statements of witnesses, documents filed on record by complainant and report (Exh. 06) under Section 202 of the Code of Criminal Procedure 1973 filed by Police.

7. Perusal of record shows that the complainant transferred his rental shop to Rajendra Sadashiv Adhalrao Patil by notarised consent deed and agreement on Rs.100/- stamp paper. Satish Arun Bankhele and Gulab Abbas Hidayatali Mir was the witnesses to the said transaction. On perusal of said consent deed and agreement it appears to be genuine. Also report of police under section 202 of Code of Criminal Procedure 1973 shows that the complainant by his own will has transferred his rental shop to Rajendra Sadashiv Adhalrao Patil. On perusal of proceeding book of Village Panchayat, Manchar it appears that by its resolution, on the basis of transaction between complainant and Rajendra Sadashiv Adhalrao Patil mutated the rental shop in

the name of Rajendra Sadashiv Adhalrao Patil. The witnesses examined by complainant stated that the rental shop was in the name of complainant but now there is a mobile shop. From the testimony of witnesses we cannot come to the conclusion that accused were cheated the complainant.

8. To attract the offence of forgery the making false document is necessary and to show that the accused makes or made false document the dishonest intention of the accused is essential. Similarly to attract the offence of cheating the dishonest intention from an inception of the act is essential. There is nothing on record which prima facie shows that the accused had dishonest intention from the inception his act. There is nothing documentary proof on record to show that accused cheated the complainant except his bare words. Hence there is nothing on record to substantiate the allegations against the accused.

9. Considering above reasons, in my view, no case is made out against the accused for taking cognizance of the offences under 465, 467, 471, 420, 406 r/w 34 of the Indian Penal Code 1860. Therefore, the present complaint is liable to be dismissed under Section 203 of the Code of Criminal Procedure 1973. Hence the following order is passed.

ORDER

- 1) Complaint is dismissed vide Section 203 of the Code of Criminal Procedure 1973.
- 2) Case be disposed off accordingly.

Sd/-

Date : 28/05/2025
Place : Ghodegaon

(Sneha Sunil Pulujkar)
Judicial Magistrate First Class,
Ghodegaon, Dist. Pune.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of the Court	:	Smt. S. S. Pulujkar, Judicial Magistrate First Class, Pune.
Name of the Steno	:	J. S. Kaite, Steno Grade - III.
Order / date	:	28/05/2025
Order signed by P.O. on	:	28/05/2025
Order uploaded on	:	28/05/2025