MHMM18-005127-2011

Received on	:	02/09/2011.
Registered on	:	02/09/2011.
Decided on	:	03/08/2026.
Duration	:	Years 14, Months 11, Days 01

Exh.-19.

PART A

IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS),
71st COURT, BANDRA, MUMBAI.

(Presided over by : Shri. S. M. Ghuge)
(J.O.Code-MH2587)

Criminal Case No.1413/PW/2011
(CNR MHMM18-005127-2011)

Crime No.341/2010, Police Station-Vakola, Mumbai.

Offence Punishable Under Sections 420, 506 of the Indian Penal Code.

Prosecution	:	State of Maharashtra Through- Police Station-Vakola, Mumbai.
For Prosecution	:	Ld. A.P.P. Shri B. A. Patil.
Accused	:	TULSHIDAS KRUSHNADAS NAIR. Age: 38 Years, Occupation : No. R/o. Santacruz (E), Mumbai.
For Accused	:	Accused in person.

PART B
(Criminal Manual Chapter VI para No.44(ii))

Date of Offence	From July 2008 to 24/07/2010.
Date of F.I.R.	24/07/2010.
Date of filing of charge-sheet	02/09/2011.
Date of charge framed	27/09/2013.
Date of commencement of evidence	17/01/2014.
Date on which case reserved for Judgment	03/07/2026.
Date of the Judgment	03/08/2026.
Date of the Sentencing Order	---

Accused Details

Sr. No.	Name of the accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during trial for purpose of Section 428, Cr.P.C.
1.	TULASHI DAS	09/12/2010	09/12/2010	Sections 420, 506 of Indian	Acquitted	Nil	Nil

	KRUSHNADAS NAIR.			Penal Code.			

PART C
(Criminal Manual Chapter VI Para No.44(ii))
List of Prosecution / Defence / Court witnesses

A) Prosecution Witnesses :

Sr. No.	Name of the Witness	Nature	Exhibit
1)	Chandrakant Lalasaheb Nimbalkar.	Informant	(Exh.-3)
2)	Suman Chandrakant Nimbalkar.	Witness	(Exh.-4)
3)	Vijay Tukaram More.	Witness	(Exh.-5)
4)	Sidheshwar Vilas Patankar.	Witness	(Exh.6)
5)	Sudhakar Bhimrao Kore.	Investigating Officer	(Exh.12)

B) Defence Witnesses :

Sr. No.	Name of the Witness	Nature	Exhibit
Nil	Nil	Nil	Nil

C) Court Witnesses :

Sr. No.	Name of the Witness	Nature	Exhibit
Nil	Nil	Nil	Nil

List of Prosecution / Defence / Court Exhibits

A) Exhibits by Prosecution :

Sr. No.	Description	Exhibit
1)	Arrest Panchnama.	(Exh.-13)
2)	Seizure Panchnama.	(Exh.-14)

3)	Statement under section 164 of Cr. P. C.	(Exh.-15)
4)	Statement under section 164 of Cr. P. C.	(Exh.-16)

B) Exhibits by Defence:

Sr. No.	Description	Exhibit
Nil	Nil	Nil

C) Exhibits by Court :

Sr. No.	Description	Exhibit
Nil	Nil	Nil

D) Muddemal :

Sr. No.	Name	Description
Nil	Nil	Nil

J U D G M E N T

(Delivered on 03/08/2026)

The accused is facing trial for the offences punishable under Sections 420 and 506 of the Indian Penal Code (here-in-after referred to as the "IPC").

The prosecution case, in brief, is as follows:

2. The informant, Chandrakant Lalasaheb Nimbalkar, is running a medical store in the name of ‘Swami Krupa Medical’ and resides with his family at Dadar. Since his son got married in the year 2009, he was searching for a larger residential premises. He was acquainted with Mr. Vijay Tukaram More, a resident of Dadar and a retired employee of MHADA. Mr. More introduced him to a property agent, Mr. Ramesh Panhalkar.

3. In July 2008, Mr. Panhalkar showed him 1 BHK and 2 BHK flats at Pratiksha Nagar, Sion. However, the informant declined, as the flats were priced between Rs.50,00,000/- and Rs.60,00,000/-, which was beyond his budget.

4. Thereafter, Mr. Panhalkar informed him that he knew a person with political influence who could help him obtain a flat under the 2% Chief Minister's Quota. The informant contacted Mr. Panhalkar over the phone, who informed him that Mr. Tulshidas Nair would arrange the allotment of the flat.

5. In August 2008, the informant met Tulshidas Nair for the first time at his office, namely ‘Rahul Gandhi National Brigade’, situated at Santacruz (East), Mumbai. At that time, Mr. More, Mr. Rakesh, Mr. Khan and Mr. Parshuram, who was the driver of Tulshidas, were present. Tulshidas assured the informant that he would provide him with a flat measuring 811 sq. ft. and demanded Rs.18,00,000/- in cash, stating that the amount was required as a contribution to the party fund.

6. Thereafter, Tulshidas took the informant to the Chief Minister's Office at Mantralaya. Mr. Panhalkar, Mr. Rakesh and Mr. Parshuram were also present. On three or four occasions, Tulshidas took the informant to Mantralaya, got an application submitted in the name of the informant's son for an 811 sq. ft. flat and repeatedly assured him that the allotment would be made.

7. On 07.09.2008, Tulshidas called the informant's son and asked him to bring Rs.18,00,000/- to his office. Accordingly, the informant, along with his wife, his son-in-law Mr. Siddheshwar Patankar and Mr. More, visited the office of Tulshidas. At that time, Agent Mr.

Panhalkar, Agent Mr. Rakesh, Driver Mr. Parshuram and Mr. Khan were also present. Tulshidas accepted Rs.5,00,000/- from the informant on the assurance of providing a flat under the 2% Chief Minister's Quota and directed him to bring another Rs.3,00,000/- on 11.09.2008.

8. On 11.09.2008, the informant, along with the above-mentioned persons, again visited the office of Tulshidas and handed over Rs.3,00,000/- to him. Tulshidas informed the informant that the remaining amount of Rs.10,00,000/- would be paid after receipt of the allotment letter.

9. Thereafter, Tulshidas frequently called the informant to his office and also took him to Mantralaya, repeatedly assuring him that 99% of the work had been completed. During these visits to Mantralaya, the informant met Mr. Bawiskar and Mr. Harish on three or four occasions. Mr. Harish also assured the informant that Tulshidas would complete his work, as he had influence with Mrs. Sonia Gandhi and Mr. Rahul Gandhi.

10. Towards the end of September 2008, Tulshidas called Avinash, the informant's son, and informed him that the work regarding the flat had been completed and asked him to meet at his house with Rs.10,00,000/-. Accordingly, the informant went to the office of Tulshidas and inquired about the allotment letter. Tulshidas informed him that the allotment letter would be issued within two days.

11. The informant borrowed Rs.10,00,000/- from outside at an interest rate of 2%. On 10.10.2008, the informant, along with his wife Suman, his son-in-law Mr. Siddheshwar Patankar, his son Mr. Prasad and Mr. More, visited the office of Tulshidas. In the presence of Agent Mr. Panhalkar and other staff members, the informant handed over

Rs.10,00,000/- to Tulshidas. Tulshidas assured him that the allotment letter would be delivered within two days.

12. After two days, Tulshidas and the informant went to Mantralaya, where Tulshidas informed him that the allotment letter had not yet been prepared. Thereafter, despite repeated visits to the office and residence of Tulshidas, the informant inquired about the allotment letter, but Tulshidas continued to avoid giving any satisfactory reply.

13. After a few days, when Tulshidas called the informant to meet him in the compound of his residence, he, along with some goons, abused and threatened the informant and his wife. Consequently, the informant lodged a report against the accused at Vakola Police Station.

14. On the basis of the report lodged by the informant, Vakola Police registered C.R. No.341/2010 and the investigation was entrusted to Police Sub-Inspector Shri Sudhakar Kore. During the course of investigation, the Investigating Officer arrested the accused. He visited the spot of the incident, prepared the spot panchanama in the presence of panch witnesses and drew a rough sketch of the spot. He also recorded the statements of witnesses. Upon completion of the investigation, the Investigating Officer found sufficient material indicating that the accused had committed the offences alleged. Accordingly, he submitted the charge-sheet before the Court.

15. The accused appeared before the Court. My learned predecessor framed the charge against the accused vide (Exh.2). The contents of the charge were read over and explained to the accused. The accused pleaded not guilty and claimed to be tried.

16. In order to prove the guilt of the accused, the prosecution examined a total of five witnesses, as follows:

Sr. No.	Name of the Witness	Nature	Exhibit
(P.W.1)	Chandrakant Lalasaheb Nimbalkar.	Informant	(Exh.-3)
(P.W.2)	Suman Chandrakant Nimbalkar.	Witness	(Exh.-4)
(P.W.3)	Vijay Tukaram More.	Witness	(Exh.-5)
(P.W.4)	Sidheshwar Vilas Patankar.	Witness	(Exh.6)
(P.W.5)	Sudhakar Bhimrao Kore.	Investigating Officer	(Exh.12)

17. Besides the oral evidence, the prosecution also relied upon the following documentary evidence:

Sr. No.	Description	Exhibit
1.	Arrest Panchnama	(Exh.13)
2.	Seizure Panchnama	(Exh.14)
3.	Statement recorded under Section 164 of the Code of Criminal Procedure	(Exh.15)
4.	Statement recorded under Section 164 of the Code of Criminal Procedure	(Exh.16)

18. The matter is approximately 14 years old. Despite being granted sufficient opportunities, the prosecution failed to secure the presence of the remaining witnesses. Considering the age of the case, the prosecution evidence was closed.

19. On 09.06.2026, the statement of the accused under Section 313 of the Code of Criminal Procedure was recorded at Exh.17. The defence of the accused is that a false case has been registered against him with the help of the then Home Minister, Mr. Krupashankar Singh.

20. I have heard the elaborate arguments advanced by the learned Assistant Public Prosecutor, Shri B. A. Patil, for the State and by the accused, who appeared in person.

21. In view of the facts and circumstances of the case and the evidence placed on record, the following points arise for my determination. My findings thereon, together with the reasons, are as follows:

Sr. No.	Points for Determination	Findings
1.	Whether the prosecution proves that, during the period from July 2008 to 24.07.2010, at Rodrix House, Vakola Pipeline, Santacruz (East), Mumbai, the accused cheated the informant, Chandrakant Lalasaheb Nimbalkar, by dishonestly inducing him to deliver cash of Rs.18,00,000/- on the assurance of allotting a room admeasuring 811 sq. ft. under the 2% Chief Minister's Quota, thereby committing an offence punishable under Section 420 of the Indian Penal Code?	Negative
2.	Whether the prosecution proves that, on the aforesaid date, time and place, the accused threatened the informant and his wife, Suman, with injury to their persons by referring to goons from Dagadi Chawl, thereby committing an offence punishable under Section 506 of the Indian Penal Code?	Negative

3.	What order?	As per the final order.

Reasons

22. In the present case, the prosecution is required to prove that the accused cheated the informant by dishonestly inducing him to pay Rs.18,00,000/- on the assurance of securing a room under the 2% Chief Minister's Quota. The prosecution is also required to prove that the accused threatened the informant and his wife with injury to their persons.

23. Since the evidence relating to both the points is common, both the points are taken up together for discussion in order to avoid repetition.

24. To prove the guilt of the accused, the prosecution examined the following five witnesses:

Sr. No.	Name of the Witness	Nature	Exhibit
(P.W.1)	Chandrakant Lalasaheb Nimbalkar.	Informant	(Exh.-3)
(P.W.2)	Suman Chandrakant Nimbalkar.	Witness	(Exh.-4)
(P.W.3)	Vijay Tukaram More.	Witness	(Exh.-5)
(P.W.4)	Sidheshwar Vilas Patankar.	Witness	(Exh.6)
(P.W.5)	Sudhakar Bhimrao Kore.	Investigating Officer	(Exh.12)

As to Point Nos. 1 and 2 :

25. I have carefully examined the evidence led by the prosecution, particularly the testimony of the informant, Chandrakant Lalasaheb Nimbalkar (PW-1). He deposed that he was searching for a residential premises. He received information from Vijay More regarding the availability of a house. In the year 2008, he met one Ramesh Panhalkar, a

property agent who was stated to have good relations with MHADA officials. Thereafter, Mr. Panhalkar showed him a room at Pratiksha Nagar, which was valued at about Rs.50,00,000/- to Rs.60,00,000/-. Since the price was beyond his means, he requested Mr. Panhalkar to show him a less expensive property. At that time, Mr. Panhalkar informed him that the accused could arrange a room under the 2% Chief Minister's Quota.

26. Thereafter, Mr. Ramesh Panhalkar introduced the informant to the accused. The informant, along with his daughter, son-in-law and son, visited the office of the accused. The accused allegedly assured him that he would arrange a room under the 2% Chief Minister's Quota and demanded Rs.18,00,000/-. Although the informant requested a receipt, the accused allegedly refused to issue one. According to the informant, he paid Rs.18,00,000/- to the accused, but the promised room was never allotted.

27. Suman Chandrakant Nimbalkar (PW-2) and Sidheshwar Vilas Patankar (PW-4) have deposed substantially on the same lines as chandrakant (PW-1).

28. Vijay Tukaram More (PW-3), in his examination-in-chief, stated that he was acquainted with the informant. The informant told him that he had made payment to the accused. However, he stated that he did not know the accused personally.

29. The learned Assistant Public Prosecutor cross-examined Vijay (PW-3) and elicited that the informant had met Ramesh Panhalkar, who was well acquainted with Tulshidas Nair, who was allegedly capable of arranging a house under the Chief Minister's Quota.Vijay (PW-3) denied that Mr. Ramesh Panhalkar had introduced him to the accused. He further stated that the informant had told him that he had paid Rs.10,00,000/- at

his residence. He also stated that on 11.09.2008, the informant paid Rs.3,00,000/- to the accused in the latter's office and that he was present at that time. During cross-examination, he admitted that no written document was executed regarding the alleged transaction and that he possessed no documentary proof to establish payment of cash to the accused.

30. The Investigating Officer deposed that, during the course of investigation, he found that the accused had cheated the informant of Rs.18,00,000/-. However, he admitted that he had not collected the gate pass, if any, relating to the informant's alleged visit to Mantralaya.

31. It is evident that the star witness in the present case, namely Mr. Ramesh Panhalkar, has not been examined. According to the prosecution, the informant voluntarily visited the office of the accused on the recommendation of Mr. Panhalkar. It was incumbent upon the informant to establish how he was eligible for allotment of a house under the 2% Chief Minister's Quota.

32. Moreover, there is no evidence of any dishonest inducement on the part of the accused. It is pertinent to note that the informant was aware that the market price of a room was between Rs.50,00,000/- and Rs.60,00,000/-. Despite such knowledge, he allegedly agreed to obtain a room for Rs.18,00,000/-. It was expected of the informant to verify the authenticity of the information furnished by Mr. Panhalkar. Significantly, Mr. Panhalkar is not an accused in the present case.

33. Further, there is no receipt or documentary evidence to establish that the informant paid Rs.18,00,000/- to the accused. Mere oral assertions are insufficient to prove the fact of payment. Although the

prosecution alleges that the accused assured the informant of allotment of a house under the 2% Chief Minister's Quota, no document has been produced to substantiate such assurance. It was incumbent upon the informant to ascertain the competence or authority of the accused to procure such an allotment before entering into the alleged transaction. To constitute the offence of cheating, the prosecution must establish that the accused possessed a dishonest and fraudulent intention from the very inception of the transaction.

34. In the present case, no such dishonest intention from the inception has been established. According to the prosecution, the informant and his relatives visited Mantralaya in connection with the proposed allotment. However, no gate pass or other documentary evidence has been produced to prove such visit. There is also no independent witness to establish that the accused assured the informant or his family members of allotment of a house. The failure to allot the house or refund the alleged amount essentially gives rise to a civil dispute, for which the informant may have an appropriate remedy under the civil law.

35. As regards the offence punishable under Section 506 of the Indian Penal Code, no independent witness has been examined by the prosecution. No specific date, time, place or exact words constituting the alleged threat have been brought on record. Mere vague and general oral allegations are insufficient to establish the offence of criminal intimidation under Section 506 of the Indian Penal Code.

36. Mr. Ramesh Panhalkar was a material witness who could have deposed regarding the inception of the transaction. However, the prosecution failed to examine him. The informant, Chandrakant (PW-1)

and Suman (PW-2) are husband and wife, while Sidheshwar (PW-4) is the informant's son-in-law. These witnesses are interested witnesses. Their testimony, in the absence of independent corroboration and the material witness, cannot be accepted as wholly reliable.

37. Mr. Ramesh Panhalkar might have been the star witness in the case and could have deposed regarding the inception of the transaction. However, the prosecution failed to examine Mr. Ramesh Panhalkar. The informant, Chandrakant (PW1) and witness Suman (PW2) are husband and wife. Siddheshwar (PW4) is the son-in-law of the informant. These are interested witnesses and their testimony cannot be relied upon without independent corroboration.

38. It is pertinent to note that Mr. Vijay More (PW3) had previously resiled from his statement. During his cross-examination conducted by the learned A.P.P., he made statements against the accused. This shows that the testimony of Mr. Vijay More is not trustworthy. No evidence has been brought on record to establish that the accused cheated the informant Chandrakant (PW1). It becomes clear from the testimonies of Chandrakant (PW1), Suman (PW2) and Siddheshwar (PW4) that they voluntarily visited the office of the accused. There was no inducement or assurance given by the accused voluntarily regarding the allotment of rooms under the Chief Minister's 2% Reserved Quota. Moreover, the informant Chandrakant (PW1), without any verification of his eligibility or entitlement, claimed allotment under the 2% Chief Minister's Quota. This indicates that the informant, by filing the present case, is attempting to protect his own unlawful act, as he was not entitled to receive a house under the 2% Chief Minister's Reserved Quota.

39. There is no proof on record that the informant was entitled to a house under the Chief Minister's 2% Reserved Quota. There is no evidence to show that the accused gained the confidence of the informant and his family members by making any false promise without verifying their entitlement. It is not the case of the prosecution that the accused voluntarily approached the informant and his relatives and assured them that he would procure a house for them under the Chief Minister's 2% Reserved Quota.

Section 415 of the Indian Penal Code defines cheating as follows:

Section 415 – Cheating

> Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation, or property, is said to "cheat."

40. A bare perusal of Section 415 of the Indian Penal Code shows that the offence of cheating requires three essential ingredients these are deception, inducement and harm or damage. In the present case, the informant and his family members voluntarily visited the office of the accused and sought allotment under the 2% Reserved Quota. This itself shows that the essential ingredients of deception and inducement are absent. Even assuming, for the sake of argument, that the informant paid

the alleged amount, he has a civil remedy to recover the same in accordance with law. Therefore, the prosecution has failed to establish the three essential ingredients required to prove the offence of cheating. Further, as regards Section 506 of the Indian Penal Code, no specific evidence has been brought on record to prove the guilt of the accused beyond reasonable doubt.

41. In the present case, the prosecution failed to secure the presence of the star witness, who could have thrown light on the intention of the accused from the very inception of the transaction. No proper evidence has been collected regarding the entry into Mantralaya. No evidence has been adduced to show how the informant arranged such a huge amount of money. No evidence has been produced regarding the denomination or serial numbers of the currency notes. Moreover, no receipt has been produced for the alleged payment of such a substantial amount. The prosecution has also failed to establish the entitlement of the informant or his family members to the Chief Minister's 2% Reserved Quota. The informant Chandrakant (PW1) did not verify the alleged competence or authority of the accused to procure such allotment. No independent witness has been examined by the prosecution.

42. Lastly, the alleged recovery of money, if any, appears to be of a civil nature. Considering the cumulative effect of all these circumstances, it is evident that the prosecution has failed to prove beyond reasonable doubt that the accused committed the offences of cheating and criminal intimidation. Hence, the accused is entitled to acquittal. Accordingly, I record my findings on Point Nos. 1 and 2 in the negative and in answer to Point No. 3, I pass the following order.

As to Point No. 3:

43. In view of my findings on Point Nos. 1 and 2 in the negative, the accused is entitled to acquittal. Hence, I proceed to pass the following order.

ORDER

i. The accused TULSHIDAS KRUSHNADAS NAIR is hereby acquitted of the offences punishable under sections 420, 506 of the Indian Penal Code, 1860, as per Sec. 248 (i) of Criminal Procedure Code.

ii. Accused shall furnish his bail bonds of Rs.15,000/- as per section 437(A) of Code of Criminal Procedure.

iii. Judgment dictated and pronounced in open Court.

DISTRICT COURTS MAHARASHTRA

Digitally signed by SANJAY MOTIRAM GHUGE
Date: 2026.08.05 14:32:38 +0530

(S. M. Ghuge)
Judicial Magistrate, (First Class),
71st Court, Bandra, Mumbai.

Date:03/08/2026.
SRD.

Dictated on	:	03/08/2026.
Transcribed on	:	03/08/2026.
Checked on	:	05/08/2026.
Signed on	:	05/08/2026.
SRD		

C E R T I F I C A T E

I affirm that, the contents of this P.D.F. file judgment are same word for word, as per original judgment.	
Court Name	Judicial Magistrate, (First Class), 71st Court, Bandra, Mumbai.
Name of Stenographer	Sandeep Rambhau Darekar.
Date of pronounce of judgment	03/08/2026.
Date of sign of judgment	05/08/2026.
Date of upload of judgment	05/08/2026.