

MHPU01-011693-2017	Exhibit No.	:	67			
	Presented on	:	16/09/2017			
	Registered on	:	16/09/2017			
	Decided on	:	04/08/2026			
	Duration	:	Years 08	Months 10	Days 19	

IN THE COURT OF SESSIONS AT PUNE
(Presided Over By P. Y. Ladekar, Additional Sessions Judge, Pune)
SESSIONS CASE NO.701 OF 2017

Form No. XXXII
Part 'A'
 (Title Page of Judgment)
 (Para 44(i) of Chapter VI of Criminal Manual)

	(F.I.R. No.45/2014 for the offences punishable under Sections 420, 504, 506, 465, 467, 468, r/w Section 34 of the Indian Penal Code, 1860.		
Complainant	The State of Maharashtra Through Yerwada Police Station		
Represented By	Shri. S. S. Hande Ld. A.P. P. for the State.		
Accused	1.	Mohamad Shafi Ramjanbhai Chaudhary Age : 63 Years, Occu.: Business, R/at : Survey No.43, Pathare Thube Nagar, Kharadi, Pune AND Kharadi, Chandannagar, Pune.	
	2.	Sau. Shahanur Mohamadshafi Chaudhary Age : 59 Years, Occu.: Teacher, R/at : Survey No.43, Pathare Thube Nagar, Kharadi, Pune AND Kharadi, Chandannagar, Pune.	

	3. Eqbal Mohamadshafi Chaudhary Age : 35 Years, Occu.: Doctor, R/at : Survey No.43, Pathare Thube Nagar, Kharadi, Pune AND Kharadi, Chandannagar, Pune.
	4. Nisarmohamad Ramjanbhai Chaudhary Age : 58 Years, Occu.: Business, R/at : Survey No.43, Pathare Thube Nagar, Kharadi, Pune AND Kharadi, Chandannagar, Pune.
Represented By	Shri. P. B. Shitole Learned Advocate for the accused.

Part 'B'

(Para 4(ii) of Chapter VI of Criminal Manual)

Date of Offence	:	From 31/12/2012 to 22/09/2013
Date of FIR	:	19/01/2014
Date of Charge-sheet	:	11/09/2014
Date of Framing of Charge	:	07/06/2023
Date of Commencement of Evidence	:	28/11/2023
Date on which Judgment is Reserved	:	04/08/2026
Date of the Judgment	:	04/08/2026
Date of the Sentencing Order, if any	:	As Per Final Order

ACCUSED DETAILS

Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Period of Detention Undergone during Trial for purpose of Section 428 Cr.PC.

Mohamad Shafi Ramjanbhai Chaudhary	13/08/2014	13/08/2014	Sections 420, 504, 506, 465, 467, 468, r/w Section 34 I.P.C.	Convicted	--
Sau. Shahanur Mohamadshafi Chaudhary	13/08/2014	13/08/2014	Sections 420, 504, 506, 465, 467, 468, r/w Section 34 I.P.C.	Acquitted	--
Eqbal Mohamadshafi Chaudhary	13/08/2014	13/08/2014	Sections 420, 504, 506, 465, 467, 468, r/w Section 34 I.P.C.	Acquitted	--
Nisarmohamad Ramjanbhai Chaudhary	13/08/2014	13/08/2014	Sections 420, 504, 506, 465, 467, 468, r/w Section 34 I.P.C.	Convicted	--

Part 'C'

(Para 44(iii) of Chapter VI of Criminal Manual)

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**A. PROSECUTION :**

Rank	Name	Exh. Nos.	Nature of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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PW1	Ibrahim Mohammad Umar Momin	27	Complainant
PW2	Sarfraj Ibrahim Momin	33	Eye Witness
PW3	Asiya Sadiq Momin	40	Eye Witness
PW4	Shrirangrao @ Savleram Pandharinath Thube	44	Witness
PW5	Niyaz Fazluddin Shaikh	54	Investigating Officer

B. DEFENCE WITNESSES, IF ANY :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-

C. COURT WITNESSES, IF ANY :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION EXHIBITS :

Sr. No.	Exh. Nos.	Proved/ Attested by	Description.
1	28	P.W.1	Certified copy of Sale Deed.
2	29	P.W.1	Certified copy of Mutation Entry.
3	30	P.W.1	Complaint.
4	31	P.W.1	Statement dated 29/01/2014.

5	45	P.W.4	Certified copy of Sale Deed dated 18/05/1989.
6	46	P.W.4	Certified copy of Registered Sale Deed No.8278 of 1989 dated 18/05/1989.
7	47	P.W.4	Certified copy of Registered Sale Deed No.8270 of 1989 dated 04/05/1989.
8	55	P.W.5	Letter dated 04/03/2014 issued to the Sub-Registrar, Havili No.7, Pune by the Investigating Officer.
9	56	P.W.5	Letter dated 15/03/2014 issued to the Investigating Officer by the Sub-Registrar, Havili No.7, Pune along with certified copy of Gift Deed dated 29/05/2011.
10	57	P.W.5	Letter dated 04/03/2014 issued to the Talathi, Kharadi, Tal. Haveli, Dist. Pune by the Investigating Officer.
11	58	P.W.5	Certified copy of 7/12 Extract.
12	59	P.W.5	Certified copy of Mutation Entry.

B. DEFENCE EXHIBITS : (Admitted by Defence)

Sr. No.	Exh. Nos.	Proved/ Attested by	Description.
1	--	--	--

C. COURT EXHIBITS :

Sr. No.	Exhibit Number	Description
1	20	Charge
2	21 to 24	Plea
3	61 to 64	Statements under Section 313 of Cr.PC. of the accused.
4	48 to 50	Certified Copies of Index No.2.

D. MATERIAL OBJECTS :

Sr. No.	Material Object Number	Proved/ Attested by	Description
1	--	--	--

J U D G M E N T**(Delivered on 04th August 2026)**

The accused stand prosecuted for the offences under Sections 420, 504, 506, 465, 467, 468 r/w Section 34 of the Indian Penal Code, 1860 (for short I.P.C.).

2. Prosecution case against the accused as per complaint Exh.30 is that on 10/02/2012 the complainant has purchased 1000 Sq.Ft. land situated at village Kharadi, Tal. Haveli, Dist. Pune bearing Survey No.43, Hissa No.1/2/2/4/1 from its owner Baby Munir Momin who is his relative and after execution of the registered Sale Deed, an entry was also made in 7/12 extract.

3. The accused are relatives of each other and the neighbours of the plot purchased by the complainant. The accused are the owners of 2000 Sq.Ft. and 1000 Sq.Ft. plots but a false and fabricated Gift Deed dated 31/12/2011 was executed by the accused No.4 Nisarmohamad in favour of the accused No.1 Mohamad Shafi though he was the owner of only 2000 Sq.Ft. land and they also got the entries made in the revenue record. The accused have projected that they are owners of 3000 Sq.Ft. land instead of 2000 Sq.Ft. land and fraudulently told the complainant that they are the owners of

the land which is also purchased by the complainant. Therefore, the complainant asked them to vacate his plot but the accused and their family members have threatened him and also taking forcible possession. He had showed his ownership documents to the accused but they have not accepted and the accused were trying to take forcible possession of his land for that they tried to demolish barbed wire fencing of his compound wall of his land by saying that his land is at some other place.

4. On 22/09/2013, when the complainant along with his labours went to do new construction on his land and they were cleaning the land at that time accused Nos.1 to 3 came on the plot and abused him by saying 'हरामखोर, तुमको समझाया के यहा नही आनेका, यह तुम्हारी जगह नही है, फिरभी यहा क्यौ आते हो' and they also abused him by saying 'मादचोद, हरामखोर, तुमको अभी दिखाता हूँ' called two to three unknown boys and threatened him and his labours to leave the place. The complainant tried to make them understand but the accused No.1 was running to bring something from his house and in that he collided with motorcycle, fell down and sustained injury on his temple and then the accused Nos.2 and 3 and other three to four unknown persons assaulted him and his labours with kicks and this fact was informed to police and police reached at the spot but took all of them to police chowky from where the accused No.1 was sent to the hospital for treatment. Then the accused No.1 called some political persons from the locality and their complaint was recorded by police in which crime No.398/2013 was registered and he was arrested in a false crime. At that time he also requested the police to register his complaint but that was not done and therefore, he has

filed complaint before the Judicial Magistrate First Class, Pune Court. Based on the order dated 24/12/2013, investigation as per Section 156(3) of Code of Criminal Procedure (for short Cr.P.C.) was carried out and F.I.R. registered against the accused.

5. On completion of investigation, the charge-sheet came to be filed against the accused for the offence triable by the Judicial Magistrate First Class, however it was a cross complaint and therefore, both the cases have been tried in this case because another case is triable by this Court and accordingly, order dated 03/08/2017 was passed by the then Ld. Additional Sessions Judge, Pune.

6. My Ld. Predecessor arraigned the accused Nos.1 to 4 for the offence under Section 420 r/w Section 34 of the I.P.C., the accused Nos.1 to 3 for the offences under Sections 504 and 506 r/w Section 34 of the I.P.C., the accused Nos.1 and 4 for the offences under Sections 465, 467, 468 r/w Section 34 of the I.P.C., to which they pleaded not guilty.

7. To prove the offences against the accused, the prosecution has examined complainant Ibrahim (PW.1) through whom a certified copy of Sale Deed Exh.28, 7/12 Extract Exh.29, his complaint filed before the Judicial Magistrate First Class, Pune Exh.30, his statement recorded by police Exh.31 have been brought on record. Sarfraj (PW.2) son of the complainant, Asiya (PW.3) is relative of the complainant, Shrirangrao (PW.4) has sold the disputed plot to the complainant's vendor as per Sale Deed Exh.45 in the year 1989, he has also sold one plot to the accused No.1 as per Sale Deed Exh.46 and another plot to accused No.4 as per Sale Deed Exh.47, Index II

of the plot of the accused No.1 Exh.48, Index II of the plot of the accused No.4 Exh.49 and Index II of the plot of the complainant Exh.50. Retired PSI Niyaz Shaikh (PW.5) carried out the investigation, he recorded the statement Exh.31 of the complainant, wrote letter Exh.55 to the Sub-Registrar Office, Haveli, Pune for certified copies of Sale Deeds and Gift Deed registered by the accused Nos.1 and 4 and it is at Exh.56 collectively. He also wrote letter Exh.57 to the Talahi, Haveli, Pune and obtained 7/12 Extracts Exhs.58 and 59 which indicate names of the accused and the complainant and also entry about the Gift Deed.

8. Thereafter, statements of the accused as per Section 313 of the Cr.P.C. have been recorded. The accused have submitted that the complainant knows them and Baby Munir Momin was his relative and near his plot there is plot of the accused Nos.1 to 3 and 4, but they denied the incident of threatening and intentional insult and stated that the complainant has assaulted the accused Nos.1 and 2 and for that the accused No.1 was in hospital. The accused admitted that the complaint was filed against them in Judicial Magistrate First Class, Pune Court. Shrirangrao (PW.4) was knowing them and he was doing real estate business and they purchased the plot from him and also stated that he has sold one guntha land to the accused No.1 and three gunthas land to the accused No.4. They also admitted that he has executed Sale Deed Exhs.46 and 47 in their favour. This crime was registered against them. They also admitted that letter Exh.56 was wrote to the Sub-Registrar Haveli, Pune and the Gift Deed Exh.56 was correct document. They also admitted the contents of 7/12 Extracts Exhs.58 and 59 as well as their arrest by the police.

The accused submitted that there was no open plot of Baby Munir Momin in that area. It is the defence of the accused that three gunthas land was purchased by the accused No.4 and one guntha land was purchased by the accused No.1 and they are in possession of four gunthas land.

9. Following points came up for determination and findings of this Court thereon are for the reasons stated thereto :

Sr. No.	Points	Findings
1.	Whether the prosecution proved that the accused Nos.1 to 4 in between 31/12/2012 to 22/09/2013 at S.No.43 Pathare Thube Nagar, Kharadi, Pune and in the office of Dy. Registrar, Haveli No.7 Chandannagar, Kharadi, Pune cheated complainant by dishonestly inducing him to deliver the property belonging to his name to the accused and thereby committed an offence punishable under Section 420 r/w Section 34 of the Indian Penal Code, 1860 ?	No.
2.	Whether the prosecution proved that the accused Nos.1 to 3 on the above said day, date, time and place intentionally insulted complainant by using bad words and thereby gave provocation to complainant intending or knowing it to be likely that such provocation will cause complainant to break public peace and thereby committed an offence punishable under Section 504 r/w Section 34 of the Indian Penal Code, 1860 ?	No.
3.	Whether the prosecution proved that the accused Nos.1 to 3 on the above said day, date, time and place committed criminal intimidation by threatening complainant with injury to his person in whom complainant is interested with intent to	No.

	cause alarm to complainant or to cause him to do an act which he is legally bound to do and thereby committed an offence punishable under Section 506 r/w Section 34 of the Indian Penal Code, 1860 ?	
4.	Whether the prosecution proved that the accused Nos.1 and 4 on the above said day, date, time and place forged a certain document namely Gift Deed with intent to cause complainant to part with property with intent to commit fraud and thereby committed an offence punishable under Section 465 r/w Section 34 of the Indian Penal Code, 1860 ?	Yes.
5.	Whether the prosecution proved that the accused Nos.1 and 4 on the above said day, date, time and place forged a certain document purported to be a valuable security, namely Gift Deed and thereby committed an offence punishable under Section 467 r/w Section 34 of the Indian Penal Code, 1860 ?	Yes. Under Section 466 of I.P.C.
6.	Whether the prosecution proved that the accused Nos.1 and 4 on the above said day, date, time and place forged a certain document i.e. Gift Deed intending that it shall be used for the purpose of cheating and thereby committed an offence punishable under Section 468 r/w Section 34 of the Indian Penal Code, 1860 ?	No.
7.	What Order ?	As per Final Order.

ARGUMENTS

10. I have heard at length Ld. A.P.P. Shri. Hande and Ld. Advocate Shri. Shitole for the accused.

11. Ld. A.P.P. would say that the evidence of the prosecution

witnesses is cogent and reliable. The complainant has stated about accused having assaulting him and he has filed the complaint and there was cross complaint, so presence of the accused on the spot cannot be disputed. Ld. A.P.P. also submitted that the accused with a view to illegally usurp plot of the complainant have created false and fabricated document in the year 2011. As per Sale Deeds Exhs.28, 45, 46 and 47, the complainant's vendor Baby Munir Momin, the accused Nos.1 and 4 have purchased the land admeasuring 1000 Sq.Ft. by Baby Munir Momin, accused No.1 each and 2000 Sq.Ft. land was purchased by the accused No.4. Baby Munir Momin was residing in Mumbai. The boundaries in the Sale Deed indicate that these lands were adjacent to each other and then as per the Sale Deed executed in the year 2012, the complainant has purchased 1000 Sq.Ft. land from Baby Munir Momin and when he went to take possession of his plot, the accused have obstructed him, he has filed various complaints to the police and when the Sale Deeds of the accused indicate that the accused No.4 has purchased only 2000 Sq.Ft. land but the Gift Deed indicates that he has gifted 3000 Sq.Ft. land to the accused No.1, based on it they got mutation entry made and in fact the Sale Deed of the accused No.4 indicates that it was only for 2000 Sq.Ft. land but by taking advantage of mention of 3000 Sq.Ft. at one place in the Sale Deed, the accused have created the false and fabricated document and therefore, the prosecution has proved the offences against the accused.

12. On the other hand, Ld. Advocate for the accused would say that there is no question of offence under Section 420 of the I.P.C. against the accused because the accused have not at all cheated the

complainant or any of the witnesses and because of such cheating there is nothing on record which shows that the complainant has parted with any property or valuable things. Similarly Ld. Advocate would say that the complaint is a counter blast to the F.I.R. registered against the complainant and his family members in respect of the incident dated 22/09/2013 when the complainant along with his relatives and labours forcibly tried to enter the land of the accused, they demolished the compound wall, assaulted the accused No.1 by a hammer and therefore, a false complaint was lodged against the accused persons.

13. Ld. Advocate also submitted that there is no evidence against the accused under Sections 504 and 506 of the I.P.C. and when the complainants Sale Deed itself is in the shadow of doubt about the boundaries of the land and whatever the boundaries were mentioned at the time of Sale Deed in the year 1989 are in fact not in existence on the spot and in the Sale Deed, the complainant has mentioned two different boundaries and therefore, there would be no question of creating any false or fabricated document by the accused to illegally take possession of the land of the complainant. It may be that the complainant has purchased the land but its location in 4000 Sq.Ft. land in the possession of the accused is not established. The accused have executed the Sale Deeds and Gift Deed and when the Sale Deed of the accused No.4 clearly shows that it was for 3000 Sq.Ft. then the Gift Deed which was executed by the accused No.4 in favour accused No.1 of the same area and registered by the Sub-Registrar cannot be treated as a false and fabricated document by the accused. As such Ld. Advocate sought for acquittal

of the accused.

REASONS

AS TO POINT NO.1 :

14. To prove the offence under Section 420 of the I.P.C., the burden on the prosecution was to prove that the accused have dishonestly induced the complainant and made him to deliver any property or valuable security.

15. From the evidence of the complainant and all other prosecution witnesses what comes out is that the accused have purchased two plots, vendor of the complainant has purchased one plot from Shrirangrao (P.W.4) in the year 1989 and then in the year 2012, the complainant has purchased it from Baby Munir Momin i.e. the erstwhile owner of the plot admeasuring 1000 Sq.Ft. and from the Gift Deed it comes out that the accused No.4 has executed the registered Gift Deed of 3000 Sq.Ft. land in favour of the accused No.1.

16. The basic ingredients for the offence under Section 420 of the I.P.C. requires proof of dishonestly inducing the complainant or any witness but that is not at all made out and in fact it is not the case or evidence of the complainant that he was deceived by the accused. The case of the prosecution is that the accused have illegally taken possession of his land but it is not his case that deceptively he was made to deliver possession of his land and therefore, the basic ingredients of Section 420 r/w Section 34 of the I.P.C. are not made

out and as such, this offence is not proved by the prosecution.

AS TO POINT NOS.2 AND 3 :

17. So far as the offence under Section 504 of the I.P.C. is concerned, the allegations of the prosecution are against the accused Nos.1 and 3 in respect of the incident dated 22/09/2013 at Survey No.43, Pathare Thube Nagar, Kharadi, Pune. To prove the offence under Section 504 of the I.P.C., the prosecution has to prove that the accused were having intention and in furtherance of their common intention the accused intentionally insulted and gave provocation to the complainant which will cause him to break public peace or commit any other offence. Similarly, for the offence under Section 506 of the I.P.C., the prosecution has to prove that the accused have threatened the complainant with any injury to his person with intent to cause alarm to him.

18. For these offences, the prosecution was totally dependent on the evidence of the complainant Ibrahim (PW.1) and Sarfraj (PW.2) who are father and son. There is no independent witness and the third witness Asiya (PW.3) is their relative. In the complaint Exh.30, in para No.5, the complainant has alleged that the accused have used threatening language and insulted him and in para No.6 he has mentioned specific abuses as described hereinabove. But in his deposition before the Court he has just stated that the accused No.1 came on two-wheeler and started abusing him and then his family members came and they surrounded him and they abused him and people along with him. He also stated that his son Sarfraj (PW.2) came to see what has happened, his son was also taken from

the spot by the police in their van. Sarfraj (P.W.2) also stated that the accused No.3 has abused their labours and assaulted them. He has also stated that the accused Nos.1 and 2 assaulted his father. Then Asiya (P.W.3) who was daughter-in-law of the Baby Munir Momin has stated that she sold the plot to the accused No.1 in the year 2012 and when they went to give possession of that plot, the accused No.1 drove the motorcycle on the person of Ibrahim (P.W.1), but he missed and fell down and got injured. There was manhandling at that place. She has not stated about any abuses or threats. Though she stated that the accused No.1 tried to give dash to Ibrahim (P.W.1) by motorcycle but Ibrahim (P.W.1) has not stated it in his evidence before the Court.

19. Therefore, the above evidence of three material witnesses of the prosecution does not bring out what were the exact insulting words or what were the threats to cause injury to the person of the complainant given by the accused. Therefore, the evidence of the prosecution is highly insufficient to prove the basic ingredients of these two offences and accordingly, they are also not proved.

AS TO POINT NOS.4, 5 AND 6 :

20. For the offences under Sections 465, 467 and 468 r/w Section 34 of the I.P.C. the prosecution has to prove forgery and making a false document by the accused Nos.1 and 4 in furtherance of their common intention. For the offence under Section 467 of the I.P.C., the prosecution has to prove the accused have forged the document which purports to be a valuable security and in the instant case the Gift Deed and the offence under Section 468 I.P.C. prescribe

punishment for committing forgery by forging the document used for the purpose of cheating. In the instant case, the Gift Deed and as per the definition under Section 30 of the I.P.C., the word valuable security denotes a document which is or purports to be a document whereby any legal right is created, extended, transferred, restricted, extinguished or released or whereby any person acknowledges that he lies under legal liability or has not any legal rights.

21. Basically these offences are based on the documentary evidence. The evidence of Ibrahim (PW.1), Shrirangrao (PW.4) and Niyaz Shaikh (PW.5) bring out that in the year 1989 on 18/05/1989 as per Sale Deed Exh.45 Shrirangrao (PW.4) executed a registered Sale Deed in respect of 1000 Sq.Ft. land in Survey No.43, Hissa No.1/2/2/4/1, village Kharadi, Tal. Haveli, Dist. Pune having boundaries to the East : Plot of Mohamadshafi Ramjanbhai Chaudhary (Accused No.1), South : Colony Road, West : Plot from the share of same survey number, North : Plot of Varpe, for consideration of Rs.2,000/- whereas the Government valuation for the said land was Rs.7,000/-. Similarly, the Sale Deed Exh.46 dated 18/05/1989 indicates the accused No.1 has purchased 1000 Sq.Ft. land from Shrirangrao (PW.4) for Rs.2,000/- with the Government valuation of Rs.7,000/- in the same Survey No.43 with the boundaries as follows : East : Plot of Nisar Mohamad Chaudhary (Accused No.4), West : Plot of Baby Munir Momin (Complainant's Vendor), North : Plot of Varpe, North (South) : Colony Road.

22. As per Sale Deed Exh.47 dated 04/05/1989, the accused No.4 has purchased the 2000 Sq.Ft. land and in the same Sale Deed

the names of the accused No.1 and Baby Munir Momin for 1000 Sq.Ft. land each were mentioned but they have been struck off and the Sale Deed was for Rs.6,000/- and its Government valuation was Rs.14,000/- and it is mentioned that in Survey No.43, Hissa No.1/2/2/4/1, village Kharadi, Tal. Haveli, Dist. Pune 3000 Sq.Ft. land with boundaries as to East : Plot number of Shri. Lamtade, West : Plot number of Shri. Chandrakant Bhujbal, North : Plot number of Shri. Varpe, South : Colony Road was purchased and as per the Index II Exh.48 1000 Sq.Ft. land was mutated in the name of Mohamad Shafi Ramjanbhai Chaudhary i.e. accused No.1 on 25/05/1989, as per Index II Exh.49 3000/2000 Sq.Ft. land mutated in the name of the accused No.4 and against the name of the accused No.4 Index II specifically indicate 02 R land i.e. 2000 Sq.Ft. and not 3000 Sq.Ft. and then Index II Exh.50 of 25/05/1989 indicates that 1000 Sq.Ft. land of the same survey number was mutated in the name of Baby Munir Momin. So as per these three Index II based on the Sale Deeds apparently 4000 Sq.Ft. land was mutated in the name of these three persons.

23. If the Sale Deeds which are dated 04/05/1989 and 18/05/1989 are seen then the Sale Deed in the name of the accused No.4 was prior in time to the Sale Deed of accused No.1 and Baby Munir Momin. So the boundaries of the Sale Deed of the accused No.4 indicate the plot numbers of different persons but when the Sale Deed Exh.45 in the name of Baby Munir Momin is seen, it shows that towards East there was plot of the accused No.1 and then in the Sale Deed of the accused No.1 vide Exh.46 to the West plot of Baby Munir Momin and to the East plot of accused No.4. All these Sale

Deeds indicate that towards the South there was colony road. Of course in Exh.46 which appears to be a mistake that the North is mentioned twice instead of the direction South. The Sale Deeds also indicate that the Government valuation of 1000 Sq.Ft. land was Rs.7,000/- which is mentioned in the Sale Deed of the accused No.1 and Baby Munir Momin and even in the Sale Deed of the accused No.4, the Government valuation was Rs.14,000/- which means the valuation was for 2000 Sq.Ft land and not for 3000 Sq.Ft. Land and stamp duty was paid for it. If this Sale Deed is seen, it appears that earlier the entire 4000 Sq.Ft. land may be intended to be sold by the vendor to three persons but then only one Sale Deed on 04/05/1989 was executed in favour of the accused No.4.

24. Of course Ld. Advocate for the accused submitted that the boundaries as on today and in the Sale Deed Exh.28 executed in favour of the complainant do not match and it is a dispute of civil nature. However, the prosecution is not resting only on the dispute of the boundaries. The prosecution has come up with a case of fraudulent or forged Gift Deed Exh.56.

25. The above analysis of four Sale Deeds clearly indicates that on 04/05/1989 the accused No.4 purchased 2000 Sq.Ft. land. Then on 18/05/1989, the accused No.1 and Baby Munir Momin have purchased 1000 Sq.Ft. land each. These documents are not disputed by the accused. The Index II of the year 1989 in respect of the land of the accused No.4 also indicates against his name 2000 Sq.Ft. land. The Government valuation of Rs.14,000/- matches with 2000 Sq.Ft. land. Therefore, as in the year 1989 and on 25/05/1989 when the

mutation entry was made, the accused No.3 was the owner of 2000 Sq.Ft. land.

26. Then the registered Gift Deed Exh.56 is not in dispute and the accused have also admitted that this document is executed by the accused No.4 in favour of the accused No.1. This document indicate that the accused No.4 is the owner of 3000 Sq.Ft. land and the description and boundaries are mentioned in para No.1 which are as under : East : Plot of Mohamad Shafi Ramjanbhai Chaudhary out of 1000 Sq.Ft., South : Property of Shri. Dhumal and More, West : Property of Shri. Shivaji Kardile, North : Road.

27. If the boundary to the East in this document is seen, it shows that towards the East he has mentioned plot of the accused No.1. If the Sale Deed Exh.46 of the accused No.1 is seen, it indicates towards East there is plot of the accused No.4 and towards West plot of Baby Munir Momin and if the Sale Deed Exh.45 of Baby Munir Momin is seen on her East there is plot of the accused No.1. When the Sale Deed of the accused No.1 indicates that on the East side there is plot of the accused No.4, towards South there is road but the Gift Deed shows that the road is on North side and on the South there is land of Shri. Dhumal and More and most importantly when the Sale Deed of the accused No.4 was for 2000 Sq.Ft. land as discussed hereinabove registration of the Gift Deed for 3000 Sq.Ft. land in the same survey number certainly indicate that it was a forged and fabricated document when the Sale Deeds of the accused and Baby Munir Momin are read together and also the fact that all these persons were the relatives of each there certainly they were

knowing collectively about 4000 Sq.Ft. land was purchased from Shrirangrao (P.W.4).

28. When the Sale Deed of the accused No.1 indicates that on the western side there was land of Baby Munir Momin, so there has to be existence of 1000 Sq.Ft. land on the Western side of the plot of the accused No.1. Admittedly, no such land is available. Admittedly, the accused have erected compound over the entire 4000 Sq.Ft. land. Therefore, documentary evidence brought on record by the prosecution is certainly sufficient to prove that the accused Nos.1 and 4 in furtherance of their common intention have committed forgery by executing the registered Gift Deed and the registered Gift Deed is the document which is kept by the public servant i.e. Sub-Registrar Office and as per Section 466 of the I.P.C. it amounts to an offence which is a minor offence than punishment provided under Section 467 of the I.P.C. So the prosecution has succeeded in proving the lesser offence under Section 466 of I.P.C. than the offence under Section 467 of the I.P.C. which prescribe punishment of imprisonment for life.

29. So far as the offence under Section 468 of the I.P.C. is concerned it requires forgery for the purpose of cheating. As discussed hereinabove, the offence under Section 420 of the I.P.C., for cheating the complainant is not made out and it was not the case of the prosecution that the accused have cheated the public servant or any other authority by registering a Gift Deed and so it cannot be said that the ingredients of the offence under Section 468 of the I.P.C. are made out. Points are answered accordingly.

AS TO POINT NO.7 :

30. The accused Nos.1 and 4 are guilty of the offences under Section 465 which prescribe punishment with imprisonment of either description up to two years and Section 466 which prescribe punishment with imprisonment of either description for a term which may extent to seven years or also fine. The other offences are not proved.

31. The accused and their Advocate have submitted that the Gift Deed was executed on the basis of 3000 Sq.Ft. entry mentioned in the 7/12 Extract Exh.58. It is also submitted on behalf of the accused that they are the old aged persons and they had no intention to cheat anybody and because of mistake of the boundaries, the possibility of offence creeps in and therefore, minimum sentence is sought.

32. On the other hand, Ld. A.P.P. has submitted that looking into the facts and circumstances of the case, the accused have committed offence to get wrongful gain by causing wrongful loss to the complainant and therefore, maximum punishment may be imposed.

33. Undisputedly both the accused are senior citizens. It also appears that they do not have any criminal antecedents. The offence is apparently committed in respect of the land which belongs to their relative only and therefore, considering their age as well as the consistent dispute between the parties, also the fact that the accused No.1 was injured by Ibrahim (PW.1) in the instant incident dated 22/09/2013 for which the said witness is also convicted for the

offence under Section 323 of the I.P.C. some leniency in awarding the imprisonment can be shown to the accused.

34. The charge-sheet does not indicate that during the course of investigation any article or property was seized, therefore, there would be no order for disposal of any property. Accordingly, I pass following order :

ORDER

1. Accused Nos.1 **Mohamad Shafi Ramjanbhai Chaudhary**, No.2 **Sau. Shahanur Mohamadshafi Chaudhary**, No.3 **Eqbal Mohamadshafi Chaudhary** and No.4 **Nisarmohamad Ramjanbhai Chaudhary** are acquitted of the offence punishable under Section 420 r/w Section 34 of the Indian Penal Code, 1860, vide Section 235(1) of the Code of Criminal Procedure.
2. Accused Nos.1 **Mohamad Shafi Ramjanbhai Chaudhary**, No.2 **Sau. Shahanur Mohamadshafi Chaudhary** and No.3 **Eqbal Mohamadshafi Chaudhary** are acquitted of the offences punishable under Sections 504 and 506 r/w Section 34 of the Indian Penal Code, 1860, vide Section 235(1) of the Code of Criminal Procedure.
3. Bail Bonds of the accused Nos.2 and 3 stand cancelled.
4. The accused Nos.2 and 3 shall furnish personal bond of Rs.15,000/- each as per provisions under Section 437-A of the Code of Criminal Procedure.
5. Accused No.1 **Mohamad Shafi Ramjanbhai Chaudhary** and No.4 **Nisarmohamad Ramjanbhai Chaudhary** are acquitted of the offence punishable under Section 468 r/w Section 34 of the Indian Penal Code, 1860, vide Section 235(1) of the Code of Criminal Procedure.
6. Accused Nos.1 **Mohamad Shafi Ramjanbhai Chaudhary** and

No.4 **Nisarmohamad Ramjanbhai Chaudhary** are convicted for offence punishable under Section 465 r/w Section 34 of the Indian Penal Code, 1860 under the provisions of Section 235(2) of the Criminal Procedure Code and they are sentenced to suffer Rigorous Imprisonment for Three Months and to pay fine of Rs.1,000/- by each and in default of fine to suffer Simple Imprisonment for Fifteen Days each.

7. Accused Nos.1 **Mohamad Shafi Ramjanbhai Chaudhary** and No.4 **Nisarmohamad Ramjanbhai Chaudhary** are convicted for offence punishable under Section 466 r/w Section 34 of the Indian Penal Code, 1860 instead of Section 467 r/w Section 34 of the Indian Penal Code, 1860 under the provisions of Section 235(2) of the Criminal Procedure Code and they are sentenced to suffer Rigorous Imprisonment for Three Months and to pay fine of Rs.1,000/- by each and in default of fine to suffer Simple Imprisonment for Fifteen Days each.
 8. Bail Bonds of the accused Nos.1 and 4 stand forfeited.
 9. The convicts were not in custody as they were on anticipatory bail, so there would be no order as to set off as per Section 428 of the Code of Criminal Procedure.
 10. Both the sentences shall run concurrently.
 11. A copy of this Judgment be supplied to the convicts free of cost.
- (Dictated and pronounced in Open Court).

Pune.
Date : 04/08/2026

(P. Y. Ladekar)
Additional Sessions Judge, Pune.

CERTIFICATE

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

Court Name	: P. Y. Ladekar, District Judge – 2 and Additional Sessions Judge, Pune.
Name of Steno	: Abhishek Arun Gite (Stenographer Grade - I)
Date of Judgment	: 04/08/2026
Judgment signed by the Presiding Officer	: 06/08/2026
Judgment PDF and Uploaded On	: 06/08/2026