

ORDER BELOW EXH. 1 in Cri. M. A. 47/2022
Chandso Vs. Saynajabee & Ors.
Passed on 17/01/2025

The present application is filed for taking cognizance of offence punishable under Section 406, 407, 420, 464, 468, 504, 506 read with Section 34 of the Indian Penal code against non applicants. In facts initially the applicants has filed present application as complaint case. However, matter is registered as Criminal M. A.

2 Verification of complainant and his witnesses is carried out. It is alleged that, non applicant No. is daughter and non applicant No. 2 is the son-in-law of the applicant. It is alleged that non applicant No. 1 and 2 forged document i.e. hibbanamma and removed the name of applicant/complainant from the revenue record of gat No. 865 area 2 H 83 R situated at mouze Umrani. Non applicant No. 3 and 4 assist the non applicant No. 1 and 2 in preparing forged document hibbanamma. The complaint contained that he has reported matter to the police however, police decline to take action against accused persons on the ground that dispute is of Civil nature. Thus, he has filed present compliant.

3 Perused the complaint and verification of complaint and his witnesses. Perused the documents attached with the complaint. It appears that, the complainant has purchased land gat No. 865 of mouze Umrani and consideration amount paid by the complainant received from his son Ismail. It is alleged that, non applicant No. 1

and 2 in furtherance of their common intention with the aid of non applicant No. 3 and 4 prepared forged hibbanamma. On the basis of hibbanamma non applicant No. 1 and 2 removed the name of the complainant from the revenue record of gat No. 865 situated at mouze Umrani. In verification the complainant as well as his witnesses stated that non applicant No. 1 and 2 in consultation with non applicant No. 4 and 5 committed offence punishable under Section 420, 464, 468 read with Section 34 of the Indian Penal Code. Looking to the nature of offence as alleged the case of complaint is based on documentary evidence and therefore, for proceeding further against accused more additional evidence is required. Thus, whether or not there is sufficient ground for proceeding against accused persons investigation to be made by the a police officer. Thus, I pass following order.

ORDER

- 1 Matter be referred for investigation to police authority vide Section 202 of the code of Criminal Procedure.
- 2 PSO Jath is directed to investigate the matter at the earliest and submit the report if any.
- 3 True copy of complaint and documents to be forwarded to PSO Jath for information.
- 4 Issue letter accordingly.

Dated : 17/01/2025

(Prakash C. Bachhale)
Judicial Magistrate First Class,
Jath