

**ORDER BELOW EXH.1 IN 47/2022**  
**(Chandaso Sanadi V/s. Shainajbi Halangali & Ors.)**

The instant application is filed by the applicant against the non applicant Nos.1 to 4 for taking cognizance of offences punishable under S.406, 407, 420, 464, 468, 504, 506 R/w. Section 34 of the Indian Penal Code.

2. Perused the documents. Heard learned advocate for the applicant.

3. It is the contention of applicant that, the applicant is originally hailed from Chabukswarwadi, Tal:-Miraj, Dist:-Sangli. The Gat No.865 admeasuring 2H-83R assessed at Rs.1.31 situated at Umarani is owned and possessed by the applicant. Non applicant No.1 is the daughter of applicant whereas non applicant No.2 is his son-in-law. The applicant has two sons namely Ismail and Mohammad. They both are residing out of station due to their service. The son Ismail used to send the money to the applicant to meet his expenses. The applicant has purchased Gat No.865 from the money sent by his son Ismail. Non applicant Nos.1 and 2 are well aware of the said fact. However, by taking disadvantage of illiteracy of applicant and by making conspiracy, non applicant Nos.1 and 2 in collusion with each other, executed Hibbanama in their favour on 28.12.2018. For executing the said Hibbanama, non applicant Nos.1 and 2 cheating and dishonestly inducing the applicant to deliver his photo by saying that, they are going to raise a loan in his name. The said Hibbanama is bogus and illegal one. The applicant obtained the 7x12 extract of said Gat Number and came to know that, his name is removed and the name non applicant Nos.1 and 2 recorded over

the gat No.865. The non applicant Nos.3 and 4 are the witnesses to the Hibbanama. However, non applicant Nos.3 and 4 are not acquainted with the applicant. Non applicant Nos.1 and 2 in collusion with non applicant Nos.3 and 4 got mutated their names over Gat No.865 and by taking disadvantage the said fact, they are trying to disposses applicant from above Gat number. On 31.12.2020, the non applicant Nos.1 and 2 threatened applicant from cultivating the land. Therefore, on 01.01.2021, the applicant has filed complaint against the non applicant Nos.1 and 2 at Jath Police Station. However, the police did not take cognizance as the dispute is of civil nature. Hence, the applicant has constrained to file the present application.

4. After recording the statement of applicant and the witness namely Ismail Chandsab Shaikh under Section 200 of the Code of Criminal Procedure, the matter was send for investigation under Section 202 of Code of Criminal Procedure to Jath Police Station. Accordingly, the police have filed their positive report vide Exh.8.

5. I have gone through the complaint, and verification of the applicant and the report filed by Police authority vide Exh.8. Upon perusal of report Exh.8 it appears that, non applicant Nos.1 and 2 got executed the Hibbanama in their favour by saying the reason that, they are going to raise loan on the land and fraudulently obtained the signature of applicant. As a matter of fact, the applicant has not purchased the stamp for execution of the said Hibbanama. The averment made in the complaint is the prima facie supported by the affidavit. The documents filed by applicant along with Exh.3 also supports his contention. Thus, prima facie, it appears that the conduct of the non applicant Nos.1 and 2 executing the Hibbanama in their favour with the help of non applicant

Nos.3 and 4 might come within the definition of cheating. Hence, the applicant has made out the case against the non applicant Nos.1 to 4 which has substances for the offence of criminal breach of trust, cheating and dishonestly inducing to deliver the property, making a false document, forgery for the purpose of cheating, criminal intimidation and provocation. Hence, I proceed to pass following order.

**ORDER**

1. Application is allowed.
2. Issue process against the non applicant Nos.1 to 4 for the offences punishable under Section 406, 407, 420, 464, 468, 504, 506 R/w. Section 34 of Indian Penal Code.
3. Assistant Superintendent is hereby directed to register the present application as R.C.C. complaint case.
4. Applicant/complainant is directed to upload the documents in respect of present case by way of E-filing.

**Date:04.07.2026**  
**Jath.**

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

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer. : R. B. Samalewale, Stenographer-Grade-3  
Court. : C.J.J.D. & J.M.F.C., Sangli.  
Date. : 04.07.2026  
Order signed by the  
Presiding Officer on. : 04.07.2026  
Order uploaded on. : 04.07.2026