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R.C.C. NO. 26/2021  
CNR-MHSN110001902021

**ORDER BELOW EXH. 1**

1. The present complaint is filed u/s 420, 465, 466, 467, 468, 471, 193(3), 199, 200 and 34 of Indian Penal Code.

2. Perused complaint, document filed along-with complaint and verification of the complainant. It reveals that, on 23/09/2008 the complainant purchased agricultural land in Gut no. 154 total ad-measuring 5 hector 79 R to the extent of 0 hector 95.7 R from Non applicant no. 1 and 0 hector 95.7 R from defendant no.6. Due to the loan of Sumitra Rural Non agricultural Credit Society Akluj branch Piliv on the said land, the revenue entry in the name of the complainant is reversed. By taking this advantage of the name of non applicant no. 1 sold the said property to the Non applicant no. 2 by way of Sale deed. In fact the non applicant no. 1 had not any right or interest to sale the property and thereafter the non applicant no. 2 sold that property to the non applicant no. 7 to 9 by way of registered sale deed. In-spite of having the knowledge of this fact the non applicant no. 10 kept the charge of Rs. 300000/- as per the letter no. 113/2020-20. Non applicant no. 10 failed to follow the rules and guidelines given by the Reserve Bank of India before granting the loan. All the non applicants with common intention executed false and bogus sale deeds and self declaration affidavits with intent to cheat the complainant.

3. Perused the complaint, documents filed along-with it, verification of the complainant and witness and police report u/s 202 of Cr.P.C. Learned Advocate for the complainant argued that the non applicant no. 1 with intent to cheat the complainant executed false, bogus sale deed in favour of non applicant no. 2 and thereafter non

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applicant no. 2 executed sale deed in favour of non applicant no. 7 to 9 with common intention of all other non applicants. The non applicants created bogus documents in-spite of having knowledge that the said property was sold to the complainant. The complainant proved prima facie case against all the non applicants. There are prima facie ingredients of section 420, 465, 466, 467, 468, 471, 193(3), 199, 200 and 34 of Indian Penal Code and prayed to issue process against all the non applicants for the said offences.

4. Perused the record and submissions of both the parties. Prima-facie it appears that, the non applicant no. 1 had executed sale deed in favour of the complainant in respect of land Gut no. 154 situated at Galvewadi, Tal. Atpadi, Dist. Sangli. In-spite of execution of sale deed the non applicant no. 1 executed the sale deed of the said property in favour of non applicant no. 2 by taking disadvantage of his name appearing on the 7/12 extract of land Gut no. 154 situated at Galvewadi.

5. The non applicant no. 10 issued the loan to non applicant no. 7 to 9 on the said land in-spite of having the knowledge of above-said facts. From the above discussion it appears the non applicant no. 1 in-spite of having knowledge of execution of sale deed in favour of the complainant he sold the said property to the non applicant no.2 with intent to cheat the complainant and thereafter non applicant no. 2 with common intention of all the non applicants executed the sale deed of the said property in favour of non applicant no. 7 to 9. The non applicant no. 2 is the purchaser, non applicant no. 3 is the wife of non applicant no. 1, non applicant no. 2 is the real brother of non applicant no. 5, non applicant no. 4 is

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the relative of non applicant no. 2 and 4, non applicant no. 6 is the nephew of complainant and friend of non applicant no. 1, non applicant 7 to 9 are the purchasers and non applicant no. 10 is the financial institution. Non applicant no. 3 and 4 are the witness. Non applicant no. 5 and 6 who identified the parties in second sale deed. From the record prima-facie it appears that the non applicant no. 2 to 5 and 7 to 9 are not having the knowledge of previous sale deed in favour of the complainant. The non applicant no. 6 was one of the seller in the sale deed executed in favour of the complainant. It means that the accused no. 6 having the knowledge of execution of previous sale deed in favour of the complainant.

6. From the complaint, verification of the complainant and witnesses, it does not appear that the non applicant no. 2 to 5 and 7 to 10 had common intention with the non applicant no.1 and 6 to cheat the complainant by doing subsequent transactions. Prima-facie there are no ingredients of alleged offence against the non applicant no. 2 to 5 and 7 to 10. There are priama facie ingredients of section 420, 465 and 468 of I.P.C. against the non applicant no. 1 and 2. Hence, I pass following order.

**ORDER**

Issue process against the non applicant no. 1 and 6 as per section 204 of the Cr.P.C., 1973 for the offence punishable under section 420, 465, 468 of Indian Penal Code. R/o. 02/05/2023.

Atpadi.  
Date : 01/04/2023

**( Anant R. Tengse )**  
Judicial Magistrate First Class,  
Atpadi.

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### **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 - A.A.Jamadar  
Court - Jt. CJJD and JMFC, Atpadi.  
Date - 01.04.2023  
Order signed by the  
Presiding Officer on - 01.04.2023  
Order uploaded on - 01.04.2023