

MHYA010020322021



Presented on : 08/11/2021

Registered on : 08/11/2021

Decided on : 12/03/2026

Duration : Yrs Ms. Ds.
04 04 04

IN THE COURT OF SESSIONS JUDGE, YAVATMAL.
(Presided over by Shekhar C. Munghate)

Criminal Rev. No.16/2021

Exh.25

Wasudeo Shamraoji Rajurkar,

Aged about 67 Years, Occu. : Petition Writer
and Stamp Vendor,

R/o. Gurudeo Ward, Ghati,

Tq. Ghatanji and Distt. Yavatmal.

..... Appellant

Versus

01. Satish Suresh Narlawar.

Aged about 44 years, Occu-Business,

R/o. Rani Laxmibai Ward, Pandharkawada,

Tq. Kelapur, Distt. Yavatmal

02. Tukaram Ramjaji Dhawale,

Aged about 75 Years, Occu- Agriculturist,

03. Moreshwar Tukaram Dhawale,

Aged about 55 years, Occu- Agriculturist,

04. Jantraneshwar Babarao Ladke,

Aged about 35 Years, Occu- Labour,

05. Ramesh Namdeo Lingarwar,

Aged about 63 Years, Occu- Secretary,

R/o. of No. 2 to 5 Rajurwadi,

Tq. Ghatanji, Distt. Yavatmal.

06. State of Maharashtra through

P. S.O. Ghatanji through A.G.P Yavatmal

..... Respondents

**REVISION PETITION UNDER SECTION 397 OF THE CODE OF
CRIMINAL PROCEDURE**

Mr. G. I. Dhattrak, Advocate for the petitioner.
Mr. N. P. Gilani, Advocate for the respondent No.1 to 5
Mr. N. N. Dave, Advocate for respondent No.6

JUDGMENT

(Delivered on this 12th day of March, 2026)

1) The original accused No. 3 Wasudeo Shamraoji Rajurkar has preferred the revision petition against the order dated 03/03/2020 passed on the Exh. 1 by the learned Judicial Magistrate First Class, Ghatanji in Reg Criminal Case No. 256/2019 (Old No. Other Misc. Cri. Case No. 140/2017) and thereby process has been issued against him and other accused for the offence punishable under **Section 420, 468, 467** read with **34** of the Indian Penal Code.

2) Briefly stated, the case of the original complainant is that he inspected the agricultural land Gat No. 115 situated at Titvi, Tq. Ghatanji for the purpose of purchasing which is shown by accused No. 2 Moreshwar. He seen the documents of agricultural land and found that the owner of the said land is accused No.1 Tukaram. Thereafter, the said agricultural land bearing Gat No. 115, area 3. 14 H.R. was owned by the complainant for the consideration of Rs. 6,50,000/- from accused No.2 Moreshwar on 30/05/2016. Accused No. 2 Moreshwar registered the purchase deed in the name of the complainant, stating that the said agricultural land belongs to Tukaram Ramaji Dhawale, and therefore, complainant paid the full amount of transaction on the same day to the accused No.2. But the actual owner of said agricultural land is accused No.1 Tukaram Ramaji Dhawale.

3) The complainant never seen the Tukaram Ramaji Dhawale. The accused No. 5 who is the witness of the deed also not disclosed the said fact and concealed the said fact. He also falsely stated that accused number 2 is the same Tukaram Ramaji Dhawale. In fact, his name was and is Moreshwar Tukaramji Dhawale who is the father of accused No. 1. Accused No. 2 and Accused No. 1 knew the said fact but they conspired and made such false representations. He took accused No. 5 along with them and cheated the complainant. Not only this, accused No. 2 also filed an affidavit before the Executive Magistrate, Ghatanji on 26/05/2016 that he was the Tukaram Ramaji Dhawale and also taken a photograph on that affidavit. In fact, accused No. 2 in collusion with accused No. 1 transacted the said purchase contract with the complainant with the intention grabbed the amount of said transaction. The accused No. 3 also not informed the complainant about these facts. The accused No. 3 had written the sale deed as well as, he attached the documents i.e. election card and other documents with the purchase deed. Actually, this responsibility lies with accused No. 3 because he is a legal practitioner and it was necessary for him to write the purchase and sale transaction after the verifying the person. But it is evident from this act, accused No. 3 was also with collusion of accused No. 1, 2 and 5 conspired with accused No. 1 and 5 to commit the said fraud against the complainant. Thus, accused No. 1, 2, 3 and 5 conspired and made the said false documents at the hands of accused No. 4 and cheated the complainant and accused No. 2 took Rs. 6,50,000/- from the complainant.

4) Thereafter, complainant called accused No. 1, he said that he had no knowledge about said fact and accused No. 1 had promised

to bring back the said amount from accused No. 2. Therefore, the document written by the said accused No. 1 regarding cancellation of the purchase deed, was signed by the complainant and accused No. 1. But the said amount was not returned to the complainant by accused No. 1. Therefore, he went to the police station, Ghatanji on 6/09/2016 to file the report, the officer concerned refused to take the report on the grounds that the said village Titvi did not within the limits of his police station. When the complainant went to police station at Parwa, the officer at Parwa police station refused to take the report on the grounds that the said village did not within their limits but within the limits of Ghatanji police station. Therefore, the complainant has sent the said report to the Police Station Officer, Ghatanji by post. After giving the said report, no action was taken by the Ghatanji Police Station and the complainant did not even receive the receipt of the report sent through registered post. Therefore, the complainant has filed complaint before the Court.

5) It is contended by the appellant that the learned trial Court has not appreciated the evidence and fact, properly and passed illegal order. He contended as per the document of cancellation of sale deed dated 02/06/2016, the sale deed dated 30/05/2016 was cancelled with the consent of both the parties. In the said cancellation deed, it is not mentioned any commitment on the part of accused No.2. Therefore, cannot be a theft, forgery, cheating and deception as alleged by the complainant. The enquiry report of P.S.O. Ghatanji under Section 202 of Cr. P.C. nowhere mentioned the offence has been occurred and there is no specific mentioned the involvement of the petitioner.

6) Petitioner further contended that the complainant has filed

Civil Suit bearing RCS No. 11/2017 before the Civil Judge Sr. Dn., Yavatmal against the petitioner and respondent No. 2 and 3 for recovery of Rs. 6,50,000/- alongwith expenses of Rs. 50,000/-. Petitioner further contended that it is the duty of Sub-Registrar to verify the documents at the time of registration of deed. Therefore, the trial Court has not passed legal and proper order. Hence, the revision petition.

7) The petitioners and their counsel are absent, since long. So also respondent No. 1 to 5 and their counsels are also absent since long. Heard the learned D.G.P Smt. N. N. Dave for the respondent No. 6.

8) The points for determination alongwith my findings thereon are as under :-

<u>POINTS</u>	<u>FINDINGS</u>
01) Whether impugned order passed by the learned Magistrate is legal ? <u>Yes.</u>
02) Whether the impugned order calls for any interference ? <u>No.</u>
03) What order? <u>The revision petition is dismissed.</u>

REASONS

AS TO POINT NOS. 01 TO 03 :

9) These points are co-related to each other, therefore, taken combined for consideration.

10) The learned counsel for the appellant has reiterated the

grounds of appeal and contended that the order below Exh.1 regarding issue process passed by the trial court is not based on sound reasoning. He further contended that the trial Court has relied the enquiry report (Exh.20) under Section 202 of the Cr.P.C. filed by P. S. O. Ghatanji, but it is not clearly mentioned in the report that the offence has been occurred and involvement of the petitioner in the commission of the crime.

11) On going through the enquiry report (Exh.20) under Section 202 of the Cr. P. C., it shows that the prima-facie case made out against the petitioner.

12) The learned counsel for the appellant further contended that complainant has filed Civil Suit bearing RCS No. 11/2017 which is pending before the learned Civil Judge (Sr.Dn), Yavatmal against petitioner, respondent No. 2 and respondent No. 3 for recovery of Rs. 6,50,000/- alongwith expenses of Rs. 50,000/-. He further contended that when civil remedy is exhausted by the complainant, then criminal remedy is not available for the complainant.

13) On going through the copy of plaint of RCS No.11/2017, it shows that the complainant has filed civil suit against accused No.1/petitioner, accused No. 2 and accused 3 for recovery of Rs. 6,50,000/-. The respondent No. 1 has filed complaint case against accused No. 1 to 5 in the Court of Judicial Magistrate First Class, Ghatanji under Section 420, 467, 468 read with 34 of the Indian Penal Code with allegation that accused No. 1 and 2 were cheating the complainant by preparing the forged document and identity with the help of accused No.3 to 5. So also the complainant has filed Civil Suit for recovery of amount which is paid to accused No. 2 at the time of registration of sale deed. Therefore, in my view, both

cases are different is nature.

14) It is also contention of the petitioner that it is the duty of the petitioner to verify the document submitted by the parties, so also, Sub-Registrar before whom the document is registered.

15) On going through the report of enquiry (Exh.20) which is filed by Police after investigation before the Court, it show that the petitioner has played active part of the registration of forged sale deed. The petitioner is the document writer and therefore, the parties are firstly approach before him with document and their photos. Therefore, in my considered view that it is bounden duty of the petitioner/document writer to verify the all document which filed by both the parties including their names, residence, photos on documents and age.

16) After considering verification statement of the complainant and report of enquiry (Exh.20), the learned Magistrate has passed the order and process has been issued against the petitioner and other accused. The learned Magistrate has adopted legal procedure, while passing issue process order. The order passed by the learned Magistrate is legal and correct. Hence, I do not find any reason to make any interference and call for the order. Hence, I answer **Point No. 01** in the affirmative, **Point No. 02** in the negative and in answer to **Point No. 03** pass the order :-

ORDER

- (1) The revision petition is dismissed.
- (2) The copy of the judgment be sent to the concerned trial Court.

(Dictated and pronounced in open
Court.)

Dated :12/03/2026.

(Shekhar C. Munghate)
Sessions Judge,
Yavatmal.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment is same word for word as per Original Judgment.

Name of Steno : R. S. Wanjari,
(Stenographer Grade-I)

Court Name : Shri. S. R. Narwade
Additional District Judge,
Darwaha.

Date of Judgment : 12/03/2026

Judgment signed by
the Presiding Officer : 13/03/2026

Judgment Uploaded on : 13/03/2026