

**BEFORE THE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE BENCH) PUNE, AT PUNE  
ORIGINAL APPLICATION NO. 103 of 2022**

**IN THE MATTER OF:**

Mr. Prakash Mishrimal Porwal

...Applicant

Versus

Ministry of Environment Forest and

Climate Change & Ors.

... Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 9 AND 10  
TO O.A NO. 103 OF 2022**

**PAPER BOOK  
(KINDLY SEE INSIDE FOR INDEX)**

**ADVOCATE FOR THE RESPONDENT NO.9 AND 10**

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TO O.A. NO. 103 OF 2022**

TO

THE HON'BLE CHAIRPERSON

AND HIS HON'BLE COMPANION MEMBERS

OF THE HON'BLE NATIONAL GREEN TRIBUNAL.

THE HUMBLE REPLY OF THE RESPONDENT NO.9 AND 10.

**MOST RESPECTFULLY SHOWETH:**

1. The Applicant has invoked the jurisdiction of this Hon'ble Tribunal u/s Section 14 r/w Section 15 of the National Green Tribunal Act, 2010 alleging illegal mining at Village Kole Chafeshwar, Chavsar, Thakursai, Varu and Phagne at the behest of the Respondent No. 9 to 12 in collusion with the State Authorities being Respondent No.3 and 7.
2. The O.A. No. 103 of 2022 was listed before this Hon'ble Tribunal on 29.11.2022 and after having heard the Learned Counsel appearing for the

Applicant at length, on questions being asked by this Hon'ble Tribunal with regards to the particulars of the Minerals being mined and the provision of law under which the same was prohibited, as the same did not appear to form the part of the record of the OA. No. 103 of 2022, the Learned Counsel appearing on behalf of the Applicant sought time up to 05.12.2022 to bring on record the said facts, which was granted by this Hon'ble Tribunal.

3. Thereafter, in terms of the Order passed by the Hon'ble Tribunal dated 29.11.2022, the Applicant filed an Interlocutory Application bearing I.A. No. 195 of 2022 in O.A. No. 103 of 2022. Vide the I.A. No. 195 of 2022, it was alleged by the Applicant that the Respondents had undertaken illegal mining of minor minerals (morum, stones, clay, gravel) at Gut No. 235 of Village Kusgaon, Survey No.21, Survey No.81-103 of Village Kole Chafeshwar, Survey No. 74 of Village Chavsar, Thakursai, Varu and Phagne. Vide the said Application, the Applicant sought liberty of this Hon'ble Tribunal to consider the facts stated in the I.A. No. 195 of 2022 and accordingly admit the O.A. No. 103 of 2022.
4. In pursuance of the I.A. No. 195 of 2022 filed by the Applicant, the O.A. No. 103 of 2022 was considered by this Hon'ble Tribunal on 05.12.2022. Vide the Order dated 05.12.2022, this Hon'ble Tribunal was pleased to record the submission of the Learned Advocates on behalf of the Respondent No.9 and 10 that on perusing the contents of the O.A. No. 103 of 2022, there was not an iota of evidence found on record placed by the Applicant to attribute any culpability on the Respondent No.9 and 10 and also to show the involvement of the Respondent No. 9 and 10 in any kind of illegal mining operations. In that context, certain documents annexed with the OA were relied on behalf of the Respondent No.9 and 10, which were recorded by this Hon'ble Tribunal

in its Order dated 05.12.2022 and are reproduced herein below for the ease of reference:

- “3. The Learned Counsel for Respondent Nos. 9 & 10 has drawn our attention to page no. 25 of the paper book, which is a complaint made by the Applicant to Sub-Division Officer of Maval-Mulshi, Pune, where-in it is recorded that a complaint was filed by Tehsildar Maval regarding unauthorized minor-mineral mining in Gat No. 235, which was inquired about and it was found that Mr. Akhil Ashok Aggarwal was involved in illegal mining and was imposed penalty of Rs. 83,66,400/- on 14.04.2020. Having drawing attention to this, it is argued that Mr. Akhil Ashok Aggarwal, who is Respondent No.12, was found involved in illegal mining and not the Respondent Nos. 9 & 10. Then, he drew our attention to page no. 47 of the paper book, which is a letter written by the Forest Circle Officer, Deole addressed to the Range Forest Officer, Vadgaon, Maval, dated 04.07.2022, where-in illegal mining being done, is recorded at Survey No. 21 in Kolechafesar area.*
- 4. Then, the learned Counsel for the Applicant has drawn our attention to page no. 52 of the paper book, which is again a letter written by the Forest Circle Officer, Deole addressed to the Forest Range Officer, Vadgaon, Maval, where-in it is recorded that the Survey Nos. 81 to 103 have been recorded as forest and in Survey Nos. 83 & 21 of the said place, development work and excavation of stone quarry was observed and the said activities were stopped immediately. It is also recorded that the development work in Survey No 83 at Kolchafesar Maval was done by Mr. Sanjay Kokere (not*

party) and the excavation work of the stone quarry in the Survey No. 21 was done by Pandurang Krishna Jambhulkar (Respondent No.11).

5. Having drawn attention to this, it is argued by the learned Counsel for Respondent Nos. 9 & 10 that the Applicant has not impleaded Mr. Sanjay Kokere, who was actually found involved in illegal mining activity. The other person who has been found involved in the said mining activity is Respondent No. 11. The name of the Respondent Nos. 9 and 10 are not shown in this letter, therefore, they were not found involved in any kind of illegal mining activity.
6. Again, the learned Counsel for Respondent Nos. 9 & 10 has drawn our attention to the page nos. 86-87 of the paper book, which is a letter written by the Tahsildar and Taluka Magistrate, Maval addressed to the Deputy Engineer, Pawana Irrigation Department, Pune dated 06.07.2022. The learned Counsel for the Applicant has relied upon the same in order to show that illegal mining is going on in the said area. The learned Counsel for the Respondent Nos.9 & 10 states that name of the Respondent No.9 i.e. Nitin Vishwanath Agarwal is recorded in it only on the basis of a complaint made by the Applicant and it was not as a result of any investigation that he was found indulging in illegal mining activity. In this backdrop, he states that the names of the Respondent Nos. 9 & 10 should be deleted from the array of the parties.” **(Emphasis applied)**

On the Objections raised by the Respondent No.9 and 10 that there was nothing on record to demonstrate the involvement of the Respondent No.9 and 10, the Learned Counsel for Applicant conceded that, at that stage, the

Applicant only wanted a report of a Committee to determine as to whether illegal mining was going on or not in the above said areas and further agreed in case it was found that the Respondents were not involved in any illegal mining activity, their name would be deleted.

5. This Hon'ble Tribunal, therefore was pleased to constitute a Committee to find out who all were involved in the alleged illegal mining operations and directed the said Committee to visit the alleged spot and submit a factual as well as action taken report within a period of one month from 05.12.2022 after issuing notices and giving a hearing to the parties concerned. Thus, on considering the tenor of the Order dated 05.12.2022 passed by the Hon'ble Tribunal, it is apparent that, as on 05.12.2022, the Applicant was unable to demonstrate the involvement of the Respondent No.9 and 10 with regards to the alleged illegal mining and it was for this reason that the Applicant had agreed to delete the names of the Respondent No.9 and 10 if it was found that Respondent No.9 and 10 were not involved in the alleged illegal mining activity after the submission of the report of the Committee.
6. Surprisingly, much contrary to the Order dated 05.12.2022 passed by this Hon'ble Tribunal in O.A. No. 103 of 2022, the Respondent No.9 and 10 were informed that the Committee had undertaken an inspection of the alleged spot on 23.12.2022 in the presence of the Applicant without any notices being issued to the Respondents. The Respondent No. 9 and 10 having being represented on 05.12.2022 before this Hon'ble Tribunal, were versed with the Order dated 05.12.2022 and therefore, on 26.12.2022 requested the Committee to issue prior notice to the Respondents so as to comply with the directions of the Hon'ble Tribunal. Even after making the Committee aware with regards to issuance of the notice on 26.12.2022, no notice was received by the Respondent No.9 and 10 until 20.01.2023, which compelled the

Respondent No.9 and 10 to file a preliminary representation dated 20.01.2023 objecting the Site visit undertaken by the Committee on 23.12.2022. Vide the said Representation, the Respondent No.9 and 10 objected to the Site Inspection undertaken by the Joint Committee on 23.12.2022 without issuing notices and according an opportunity to the Respondent No.9 and 10 to raise any objection of whatsoever nature in terms of the direction issued by this Hon'ble Tribunal dated 05.12.2022. The Respondent No.9 and 10 on 26.01.2023 have previously filed a Short Affidavit before this Hon'ble Tribunal raising the objections to the inspection of the Joint Committee dated 23.12.2023 which already forms the part of the record of O.A. No. 103 of 2022 and thus the contents therein may be read as part of the Reply herein on behalf of the Respondent No.9 and 10 and therefore, are not repeated herein for the sake of brevity.

7. Thereafter, the O.A. No. 103 of 2022 was considered by this Hon'ble Tribunal on 27.01.2023. On 27.01.2023, the Respondent No.4 and 5 i.e. the District Collector and District Mining Officer submitted that the inspection in terms of the Order dated 05.12.2022 was conducted on 23.12.2022 of 47 Villages with respect to illegal mining being done. However, the same could not be completed and therefore sought a time of 15 days to submit the Report before the Hon'ble Tribunal. The Hon'ble Tribunal vide its Order dated 27.01.2023 was pleased to grant as a last opportunity a period of 15 days to the Joint Committee for submitting its report, with a direction that the Survey shall be made of only those Survey numbers of the Villages which have been mentioned by the Applicant in O.A. No. 103 of 2022 and which find mention in the Paragraph No. 1 of the Order dated 05.12.2022 passed by the Hon'ble Tribunal and not beyond. The Hon'ble Tribunal was also pleased to direct the members of the Joint Committee to give advance notice of the date when the

Inspection in question would be made and then only the proceedings should be conducted. Thus, by the Order dated 27.01.2023 this Hon'ble Tribunal was pleased to restrict the scope of the inspection to be undertaken by the Joint Committee.

8. In compliance of the Orders dated 05.12.2022 and 27.01.2023 passed by this Hon'ble Tribunal, the Joint Committee submitted its report before this Hon'ble Tribunal on 23.02.2023. On perusing the contents of said Report, site inspection in terms of the Orders of this Hon'ble Tribunal in O.A. No. 103 of 2022 was conducted on 09.02.2023 in the presence of all parties and the District Mining Officer, Executive Engineer Irrigation Department, Range Forest Officer Forest Department being the members of the Joint Committee appointed by this Hon'ble Tribunal. The findings of the Committee regarding the Survey/ Gut numbers as mentioned in the Order of Hon'ble Tribunal dated 05.12.2022 were recorded in a tabular format which are reproduced herein below:

Sr. No.	S. No./ Gat No.	Name of Village	Excavation found or not	Remarks	Status
1.	Gat No. 235	Kusgaon	Found	Private Land	Currently Excavation is not going on (action as per MLRC already initiated)
2.	21	Kole Chafesar	Found	Forest Land	Currently Excavation is not going on
3.	S. No. 81 to S. No. 103	Kole Chafesar	Not Found	Forest Land	Currently Excavation is not going on
4.	S. No. 74	Chavsar	Found	Land for Pawana	Currently Excavation is not going on

				Project	(Irrigation department filed FIR against the illegal excavation)
5.	S. No. 96	Varu ( no survey no. mentioned in the order)	Found	Land for Pawana Project	Currently Excavation is not going on (Irrigation department filed FIR against the illegal excavation)
6.	S. No.16	Thakursai ( no survey no. mentioned in the order)	Found	Forest Land	Currently Excavation is not going on
7.		Phagne ( no survey no. mentioned in the order)	No excavation found in village Phagne		

On perusing the table afore mentioned, Gut No. 235 of Village Kusgaon was the only private land. Survey No.21, Survey No.81 to 103 of Village Kole Chafeshwar and Survey No. 16 of Village Thakursarai (not forming a part of O.A. No. 103 of 2022) are Forest Lands, whereas Survey No. 74 of village Chavsar and Survey No. 96 of Village Varu (not forming a part of O.A. No. 103 of 2022) are lands owned by the Irrigation Department. The Irrigation Department, being the Respondent No.3 with regards to Survey No.74 of Village Chavsar has contended that as on the date of inspection i.e. 09.02.2023 excavation was not going on, however, previously excavation at the said Survey No. was found. Also previously, the Irrigation Department on

27.07.2022 has registered an FIR bearing No. 130 of 2022. As far as Survey No.96 of Village Varu (not forming the part of the O.A. No. 103 of 2022) is concerned, it was observed that currently excavation was not going on however, previously excavation was found. In terms thereof, the Respondent No.3 on 09.11.2022 has registered an FIR bearing No. 197 of 2022. Thus, on perusing the findings of the Joint Committee Report as far as the lands in ownership of Respondent No.3 are concerned, there is nothing on record to correlate with the Respondent No.9 and 10 for the excavation that was previously found. As far as the Survey No. 21 in Village Kolechafesar is concerned, the same is forest land and though previously excavation was found at the said site, currently no excavation was going on. As far as Survey No. 81 to 103 of Village Kolechafesar are concerned, the same are forest lands and excavation was not only found previously, but also currently no excavation was going on. As far as Survey No. 16 of Village Thakursai is concerned, previously excavation was found on the forest land, but currently no such excavation was going on. The Forest Department i.e. the Respondent No.7 has addressed a letter to the Respondent No.4 on 10.02.2023, by which the Respondent No.7 has found certain discrepancies with regards to the Forest lands in which mining operations were found and has intimated that the Respondent No.7 shall undertake the demarcation of the said lands. With regards to the same, the Respondent No.7 has requested the Respondent No.4 to provide the Respondent No.7 with the copy of the maps prepared by using the ETS Machines, which would assist the Respondent No.7 to demarcate the lands owned by the Forest Department. Thus, from the letter of the Respondent No.7 dated 10.02.2023 also, it is apparent that there is nothing on record to demonstrate any co-relation of the Respondent No. 9 and 10 with the alleged illegal mining activities. The Joint Committee in its Report with

regards to Survey No.235 of Village Kusgaon i.e. the private land has found that the Tehsildar had already initiated action under the Maharashtra Land Revenue Code. Be that as it may, the Respondent No.9 and 10 are not the owners of Survey No. 235 of Village Kusgaon and as such have nothing to do with any activity at the said Survey Number. Thus, the Joint Committee Report corroborates the contention of the Respondent No.9 and 10 which was also considered by this Hon'ble Tribunal by its Order dated 05.12.2022 that there is no evidence of whatsoever nature to show the involvement of the Respondent No.9 and 10 with regards to alleged illegal mining and the Respondent No.9 and 10 have been arrayed as party Respondents by the Applicant in the present O.A. No. 103 of 2022 merely to settle the personal vengeance.

9. Thereafter, the matter was heard by this Hon'ble Tribunal on 24.02.2023 and after considering the Joint Committee Report dated 23.02.2023, this Hon'ble Tribunal observed that even though FIRs were registered, it was necessary to ascertain the violators so as to impose Environmental Compensation, if the activities resulted in any adverse impact on the Environment. The Respondent No.9 and 10 vehemently submitted that in the absence of any evidence in the Joint Committee Report against the Respondent No.9 and 10, the names of the Respondent No.9 and 10 should be deleted from the array of Respondents. The Hon'ble Tribunal, though was convinced that there was no evidence against the Respondent No.9 and 10, postponed the deletion of their names after receiving the Replies of the other Respondents and also put the Applicant on guard that in case the Hon'ble Tribunal found that the Applicant had launched the O.A. No. 103 of 2022 against the Respondent No.9 and 10 with vengeance, the Hon'ble Tribunal would compensate the Respondent No.9 and 10 with adequate costs.

10. At the outset, in the aforementioned paragraphs the Respondent No.9 and 10 being on a Caveat in O.A. No. 103 of 2022 have been privy to the proceedings before this Hon'ble Tribunal in the said O.A. and have only stated facts pertaining to the said proceedings. However, it is categorically the case of the Respondent No.9 and 10 that on perusing the O.A. No. 103 of 2022 and the Order dated 05.12.2022 passed by this Hon'ble Tribunal, it is apparent that the Applicant has conceded that in terms of the O.A. No. 103 of 2022, the Applicant had not been able to establish the fact that the Respondent No.9 and 10 were involved in illegal mining as sought to be contended in O.A. No. 103 of 2022. On the contrary, on perusing the Order dated 05.12.2022, the Applicant merely sought a report from the Respondent authorities and had also agreed that if it was found that the Respondent No.9 and 10 were not found involved in the illegal mining activity, their names would be deleted. In terms of the settled principle of the Law of Evidence, any person who desires any court to give a Judgment as to any legal right or liability dependent on the existence of facts which he asserts must prove that those facts exist. Thus, the burden of proof lies on that person who asserts such facts. In the present case, the Applicant besides making bald assertions against the Respondent No.9 and 10, has brought nothing on record to prove the existence of those assertions. On the contrary, the Application filed by the Applicant seems to be nothing but a fishing and roving enquiry so as to persuade this Hon'ble Tribunal to constitute a Committee to gather Evidence on behalf of the Applicant to prove the case of the Applicant, which otherwise the Applicant had miserably failed to do so.
11. In the backdrop of the Applicant failing to prove the facts asserted by the Applicant in O.A. No. 103 of 2022, the Joint Committee Report of 23.02.2023 raises more questions, than it answers on the assertions made by

the Applicant in O.A. No. 103 of 2022. In the entire Joint Committee Report of 23.02.2023, there is not a whisper of the Respondent No.9 and 10 undertaking any illegal mining operations, which completely destroys the case of the Applicant in O.A. No. 103 of 2022. The Burden of Proof to prove the assertions made by the Applicant in the O.A. No. 103 of 2022 being on the Applicant and in terms of the Order dated 05.12.2022 of this Hon'ble Tribunal and the Joint Committee Report dated 23.02.2023, the Applicant having failed to prove the assertions in O.A. No. 103 of 2022 against the Respondent No.9 and 10, the present O.A. No. 103 of 2022 ought to be dismissed qua the Respondent No. 9 and 10. Without prejudice to the contentions raised hereinabove the Respondent No.9 and 10 are filing this present Reply to the O.A. No. 103 of 200 as filed by the Applicant.

**12.Para Wise Reply:**

- a. At the outset all the contentions, averments, assertions and allegations made by the Applicant in O.A. No. 103 of 2022 are denied and nothing therein shall be deemed to be admitted by the Respondent No.9 and 10 for reasons of non-traverse.
- b. As far as the Synopsis of the O.A. No. 103 of 2022 are concerned the Synopsis are absolutely ambiguous and in no way brings out the case of the Applicant. Besides alleging that the Respondent No.9 to 15 are indulging in illegal mining in Village Kole Chafesar, Chavsar, Thakursai, Varu, Phagne Taluka Maval District Pune, the Applicant has failed to raise any contention as to the specifications of the mineral alleged to have been excavated and the location (Exact Survey No./ Gut No.) where the alleged illegal mining was undertaken by the Respondent No.9 to 15. The Applicant having failed to assert specific facts with regards to the alleged illegal mining, the O.A. No. 103 of

2022 as filed by the Applicant is a generic attempt to mislead this Hon'ble Tribunal to exercise its power under Section 14 and 15 of the National Green Tribunal, 2010. Furthermore, the provisions of Section 14 of the NGT Act, stipulate that this Hon'ble Tribunal would have jurisdiction over all civil cases, where a substantial question relating to environment is involved. However, on perusing the contents of the Synopsis, the Applicant seems to be in a reverie, and has raised no substantial questions, relating to environment, which needs adjudication by this Hon'ble Tribunal, more particularly, within regards to the Respondent No. 9 and 10. Also, the question of claiming damages against the Respondent No. 9 and 10 would not arise as the Applicant has failed to prove the assertions made in the present Original Application.

- c. The contentions in Para 1 and 2 are a matter of record and as such need no reply.
- d. As far as the contentions in Para 3 are concerned, the Applicant be put to strict proof of the contention made by the Applicant that the Respondent No. 9 to 12 in collusion with the Officers viz, Respondent No. 3 and 7 have undertaken illegal mining. In legal parlance, it is for the Applicant to prove the assertion made by the Applicant in the Application, exist. On perusing the Order dated 05.12.2022 passed by this Hon'ble Tribunal, on the objections raised by the Respondent No.9 and 10 that a bare reading of the O.A. No. 103 of 2022 fails to establish the connection of the Respondent No.9 and 10 to the alleged illegal mining, the Applicant only sought a Report of the Respondent Authorities and further agreed to delete the names of the Respondent No.9 and 10 if nothing was found against the Respondent No.9 and 10

in the report of the committee. Accordingly, the Report of the Committee dated 23.02.2023 does not in any way implicate the Respondent No.9 and 10 and therefore the contentions of the Applicant in Para 3 being contrary to the Report of the Joint Committee are denied by the Respondent No.9 and 10.

- e. The contentions of Para 4 are an attempt to paint the Applicant in noble colors so as to demonstrate that the Applicant is the Social Worker and working for a social cause. The contentions of Para 4 are nothing but masquerading the Applicant. On the contrary, vide the present reply the Respondent No.9 and 10 shall demonstrate that Applicant is a busy body indulging in arm twisting respectable citizens and authorities so as to extort favors and money in return. Tersely to demonstrate, an FIR bearing No. 81 of 2021 dated 01.08.2021 for offences punishable under section 34, 406, 420, 504, 506(2) of IPC has been registered against the Applicant. Also, an FIR No.277 of 2021 dated 02.07.2021 has been registered against the Applicant. The afore-stated FIRs are just a glimpse of the culpability of the Applicant and there are several other proceedings against the Applicant which raise a serious suspicion on the credentials of the Applicant. Thus, it is apparent that the contents of Para 4 by no stretch of imagination can be considered as a gospel and therefore this Hon'ble Tribunal ought to gauge the veracity of the contentions raised by the Applicant with a microscopic lens.
- f. The contentions in Para 5 are a matter of record as the same describes the Respondent Authorities and as such need no reply.
- g. As far as the contentions in Para 6 are concerned, it is submitted that the Applicant vide the O.A. No.103 of 2022 had alleged illegal mining activity to have been undertaken at Village Kolechafesar, Chavsar,

Thakursai, Varu, Phagne of Taluka Maval, District Pune. Interestingly, in the Memo of Parties the Applicant has only arrayed the Police Patil of Village Chavsar as a Party Respondent in the O.A. No.103 of 2022 and has conveniently abstained from arraying the Police Patil of Village Kolechafesar, Thakursai, Varu, Phagne of Taluka Maval, District Pune as a party Respondent. This act of the Applicant to only array the Police Patil of Village Chavsar as Respondent No.8 clearly demonstrates the pick and choose approach of the Applicant in arraying the Respondents in the present O.A. As far as the allegations with regards to Respondent No.8 having been purchased by the Respondent No.9 to 14 are being concerned, the Applicant along with the Original Application has produced not a single document to support the contention of the Applicant. Furthermore, the contentions of the Applicant that the Respondent No.8 ought to have complete knowledge of the illegal mining activity are concerned, on perusing the Report dated 23.02.2023, barring Survey No.235 of Village Kusgaon, the alleged illegal excavation has been undertaken in Government Lands be it the Irrigation Department or the Forest Department. Also, the Irrigation Department has registered FIRs against unknown person. In such circumstances where the Irrigation Department and Forest Department were not aware of the illegal excavation previously taken, by no stretch of imagination can the Respondent No.8 be solely responsible for not having reported the alleged illegal mining. Also, it would not be prudent to assert culpability on the Respondent No.8 to say that the Respondent No.8 has vested interest with regards to illegal mining. Therefore, with regards to contention in Para 6, the Applicant be put to strict proof before making allegations against responsible Government

Authorities. Merely because the Applicant has the forum such as this Hon'ble Tribunal, which adjudicates environmental issues, the Applicant cannot make allegations against authorities without substantiating the same. This being contrary to the rationale of Law of Evidence, this Hon'ble Tribunal should take Judicial Notice for the same and impose exemplary cost on the Applicant.

- h. The contentions in Para 7 are the figment of the imagination of the Applicant and is nothing but an endeavor to sensationalize the O.A. No. 103 of 2022. The Respondent No.9 is an ex-elected Councilor of the Lonavala Municipal Council and has been elected for six consecutive terms. The fact that the public of Lonavala has deposed its faith for the past 30 years in the Respondent No.9 by itself is a testimony of the credentials of the Respondent No.9. The Applicant has previously also tried to falsely implicate the Respondent No.9 in vexatious litigations so as to defame the Respondent No.9 who otherwise is a man of great repute. The Respondent No.10 is the son of the Respondent No.9 and is also well known in the city of Lonavala. The Applicant has a checkered history with the family of the Respondent No.9 and 10 and on every opportunity being presented, tries to falsely implicate the Respondent No.9 and 10 and their families in litigations with a vengeance. The Applicant is wrongly enforcing the provisions of Section 14 and 15 of the National Green Tribunal Act vide the present O.A. No. 103 of 2022 more particularly when the Applicant has failed to prove the allegations made against the Respondent No.9 and 10 exist. On the contrary by the Order dated 05.12.2022, the Applicant had conceded to delete the names of the Respondent No.9 and 10 if no evidence was found against them. On a perusal of the Joint Committee Report dated 23.02.2023, it

has become abundantly clear that the Respondent No.9 and 10 have no role in the alleged illegal mining as claimed by the Applicant in the present O.A. Also, the contention that a quantity of 14,152 brass of mineral has been excavated illegally as alleged by the Applicant does not corroborate with the Report of the Joint Committee dated 23.02.2023. The fact that the quantity of the 14,152 brass mineral has been illegally mined by the Respondent No.9 and 10 has not been substantiated by the Applicant by any evidence whatsoever and also finds no support in the Report dated 23.02.2023, in such circumstances the Applicant be put to strict proof of the same and the contentions in Para 7 are denied. Furthermore, the Respondent No. 4 and 5 on 13.04.2023 have filed their reply affidavit to the OA. On perusing the contents of the said Reply, more particularly at Para 10, the Respondent No. 4 and 5 have quantified the total amount of excavation to be 7151.81 brass, which is half of what has been claimed by the Applicant in Para 7 of the OA. Furthermore, it is also pertinent to note that out of the 7151.81 brass, which has been excavated, 3468 brass has already been adjudicated by the Sub Divisional Officer of Taluka Maval and therefore if at all any alleged illegal excavation has happened, the same may be to a tune of 3683.81 brass only and nothing more. Thus, the contentions in Para 7 clearly demonstrate that all the allegations in the present OA are far from truth and have been exaggerated so as to mislead this Hon'ble Tribunal to exercise its powers u/s 14 and 15 of the NGT Act.

- i. In Para 8 it is the case of the Applicant that the Respondent No.14 is an agent of the Respondent No.9 and 10 and the Respondent No.9 and 10 by projecting the Respondent No.14 as land developer are utilizing

illegally mined stones for construction of bungalows. At the cost of repetition, it is submitted that the Applicant besides raising bald allegations against the Respondent No. 9 and 10 has not been able to provide a single documentary evidence to prove his case. The Applicant in fact in the present O.A. has made several defamatory statements against the Respondent No.9 and 10 for which the Respondent No.9 and 10 reserve their right to initiate appropriate legal action in accordance with law. The contentions in Para 8 of the Original Application are falsified by the fact that subsequently in the Order dated 05.12.2022, the Applicant had agreed to delete the names of the Respondent No. 9 and 10 if it was found that the said Respondents were not involved in the alleged illegal activity. Furthermore, the Report of 23.02.2023 filed by the Joint Committee also corroborates that no mining of whatsoever nature has been undertaken at the behest of Respondent No. 9 and 10. Therefore the contention that the Respondent No. 9 and 10 along with the Respondent No. 14 have used the stone from the illegal excavation of the quarry, is far from truth and also does not form a part of the Joint Committee Report dated 23.02.2023. Thus, in circumstances where the Applicant has failed to prove illegal excavation by the Respondent No. 9 and 10, the question of paying royalty is far stretched. The Respondent No. 9 and 10 have not undertaken any illegal excavation and as such are not responsible for destruction of ecology and environment as alleged by the Applicant in Paragraph No. 8. Furthermore, on perusing the Paragraph No. 10 and 11 of the Reply filed by the Respondent No.4 and 5 on 13.04.2023, it is more than evident that no part of the excavation has been undertaken by or at the behest of the Respondent No.9 and 10.

- j. As far as the contention of the Applicant in Para 9 with regard to complaints being made to Respondent No. 3 to 7 against the Respondent No. 9 to 12 are concerned, the Joint Committee Report of 23.02.2023 completely negates the contentions of the Applicant in the complaint alleged to have been made. The Respondent Authorities have acted on the directions of this Hon'ble Tribunal dated 05.12.2022, and have accordingly after conducting site inspection and after according an opportunity to the parties have submitted the Joint Committee Report dated 23.02.2023, which in no way corroborates the so called complaints that the Applicant has relied in Para 9.
- k. In Paragraph 10 of the Original Application, the Applicant has tabulated the quantity of alleged illegal excavation that has been undertaken at various villages. The quantities as specified by the Applicant are imaginary and an effort to exaggerate the gravity of the alleged illegal mining. However, the Applicant in Para 10 of the present Original Application has not been able to prove the alleged quantities of illegal excavation. On the contrary, the Joint Committee Report of 23.02.2023 has also tabulated the Survey/Gat Nos and the same in no way corroborates the contention of the Applicant in Paragraph 10. At the cost of repetition, it is submitted that the Applicant should prove the contentions/assertions made in Paragraph 10, failing which no weightage can be given to the contentions in Para 10. Furthermore, the Respondent No. 4 and 5 on 13.04.2023 have filed their reply affidavit to the OA. On perusing the contents of the said Reply, more particularly at Para 10, the Respondent No. 4 and 5 have quantified the total amount of excavation to be 7151.81 brass, which is half of what has been claimed by the Applicant in Para 7 of the OA. Furthermore, it

is also pertinent to note that out of the 7151.81 brass, which has been excavated, 3468 brass has already been adjudicated by the Sub Divisional Officer of Taluka Maval and therefore if at all any alleged illegal excavation has happened, the same may be to a tune of 3683.81 brass only and nothing more.

1. The contentions of the Applicant in Para 11 that the Mamlatdar has drawn a spot panchnama and has concluded that the Respondent No. 9 to 12 have carried out illegal mining amounting to an approximate amount of Rs. 7, 72, 96, 095/- is absolutely erroneous. On perusing the contents of the alleged panchnama, nowhere have the authorities come to a conclusion of whatsoever nature that the alleged illegal excavation has been undertaken by the Respondent No. 9 to 12. Rather, the Authorities have only recorded the contentions of the Applicant and have not attributed any culpability on the Respondent No. 9 and 10. Furthermore, on perusing the table forming a part of the Joint Committee Report dated 23.02.2023, in the status column, properties situated at serial no 1, 2, 4, 5 and 6 have found excavation to have been undertaken at the said sites. However, on perusing the Report dated 23.02.2023, nowhere have the authorities found that the excavation has been undertaken at the behest of the Respondent No. 9 to 12. On the contrary, there is nothing on record to attribute illegal excavation to the Respondent No. 9 and 10. Furthermore, the Joint Inspection Report dated 23.02.2023 in no ways depicts illegal excavation to the tune of Rs. 7,72,96,095/- as alleged by the Applicant. Also, there is nothing on record, to show that the extent of the illegal excavation amounts to Rs. 50 crores. These figures are simply blown out of proportion by the Applicant so as to over-emphasize the case of the Applicant and to

misuse the jurisdiction of this Hon'ble Court so as to impose maximum penalty on Respondent No. 9 and 10 against whom the Applicant has a personal vengeance. The Respondent No. 4 and 5 in their reply dated 13.04.2023 also do not support the case of the Applicant as contended in Paragraph 10 of the OA. Apparently, the Respondent No. 4 and 5 have stated that excavation worth Rs. 42,91,086/- for a total of 7151.81 brass has been found to be illegal. Assuming though not admitting, the figures as stated by the Respondent No. 4 and 5 to be true, the same also do not corroborate the case of the Applicant. However, the Respondent No. 4 and 5 while computing the total amount of illegal excavation being done have failed to consider that out of the 7151.81 brass, 3468 brass of excavation done at Survey No. 235, Village Kusgaon was adjudicated and regulated by the orders of the Sub-Divisional Officer of Taluka Maval under the Maharashtra Land Revenue Code and therefore at best 3683.81 brass could be the quantity of alleged illegal excavation and nothing more. Thus, the contentions in Para 10 are absolutely contrary to the stand of the Respondent Authorities.

- m. As far as the contentions in Para 11 of the illegal excavation to the tune of Rs. 83, 66, 400/- are concerned, the Applicant is misrepresenting this Hon'ble Court and therefore it is just and necessary to appraise this Hon'ble Court with appropriate facts. Previously, on 31.01.2020 the Talathi of Village Kusgaon had undertaken a site inspection of the land bearing Gat No. 235 which was in ownership of Respondent No. 12. During the said inspection, the Talathi of Village Kusgaon had observed that the Respondent No. 12 had undertaken illegal excavation of 3486 brass and therefore in terms of Section 48(7) of the

Maharashtra Land Revenue Code, 1966, the Respondent No. 12 was liable to pay royalty of Rs. 13,94,400/- with a 5 times penalty of Rs. 69,72,000/-. Thus, the Respondent No. 12 was directed to deposit a total amount of Rs. 83,66,400/-. Accordingly, an order dated 14.04.2020 was issued by the Tahsildar to the Respondent No. 12. Being aggrieved by the order dated 14.04.2020, the Respondent No. 12 filed an RTS Appeal bearing No. RTS/A/486/2020 before the Ld. Sub-Divisional Officer of Maval - Mulshi, Pune. The Ld. Sub-Divisional Officer vide its order dated 07.01.2021 was pleased to set aside the order dated 14.04.2020 passed by the Ld. Tahsildar imposing a penalty of Rs. 83,66,400/- against the Respondent No. 12. Thus, by the order dated 07.01.2021 of the Ld. Sub-Divisional Officer, the Respondent No. 12, was exonerated of the order imposing penalty on the Respondent No. 12. The Applicant has alleged that the Applicant has challenged the said order dated 07.01.2021 of the Ld. Sub-Divisional Officer before the Respondent No.4 who has remitted the matter back to the Ld. Sub-Divisional Officer for rehearing. However, vide the present Original Application, the Applicant has not produced on record any order passed by the Respondent No. 4 in support of its contentions in Para 11. Be that as it may, the contention with regards to imposition of penalty of Rs.83,66,400/- has got nothing to do as such with the Respondent No. 9 and 10.

- n. The Applicant in Para 11 of the Original Application has also contended that the Mamlatdar on the basis of the Panchnama had directed the Police Authorities to register an offence u/s 379, 334, 120B of IPC and also under the High Explosive Substances Act as the Respondent No.9 to 12 had carried out blasting with the help of gelatine sticks and

detonator without any permission. At the outset, this contention of the Applicant should be brushed away without implying much importance as none of the authorities before this Hon'ble Tribunal in the Joint Committee Report of 23.02.2023 have reiterated the contentions of the Applicant that the Respondent No.9 and 10 have undertaken blasting with the help of gelatin sticks and electric detonator. This allegation of the Applicant is of such a magnitude that no Authority who was the member of the Joint Committee could have turned a blind eye. If at all there was any substance to the allegation made by the Applicant in Para 11, the same would have definitely formed a part of the Joint Committee Report dated 23.02.2023. The Joint Committee, in terms of the Order dated 05.12.2022 passed by this Hon'ble Tribunal has submitted its Report after undertaking physical verification of the alleged sites. The Joint Committee constituted by this Hon'ble Tribunal is akin to a Court Commission appointed u/s 75(b) of the Code of Civil Procedure, 1908 to make local investigation. Furthermore, in terms of Order XXVI Rule 10A of the Civil Procedure Code, 1908, this Hon'ble Tribunal also has the power to appoint a commission for undertaking scientific investigation and report thereon to the Hon'ble Tribunal. The Report dated 23.02.2023 of the Joint Committee had undertaken a scientific investigation in terms of Section 75(b) and Order XXVI Rule 10A of the Civil Procedure Code, 1908 and therefore ought to be considered by this Hon'ble Tribunal, rather than relying on bald and baseless allegations made by the Applicant in Para 11 of the present Original Application. Besides the falsity of the contentions of the Applicant in Para 11 is further substantiated by the Reply dated 29.03.2023, now brought on record by the Respondent No.3 before this

Hon'ble Tribunal. The Respondent No.3 along with its Reply has annexed FIR No. 130 of 2022 dated 27.07.2022 and FIR No. 197 of 2022 dated 09.11.2022 with the Lonavala Gramin Police Station for offences punishable u/s 379 of IPC against unknown persons. Thus, by no stretch of imagination can it be said that the Respondent No. 9 to 12 have carried out blasting with the help of gelatin sticks or electric detonator as alleged by the Applicant. The Respondent No.9 and 10 reiterate that the Applicant vide the present Original Application is doing nothing but trying to settle personal scores with the Respondent No.9 and 10. Also, it is pertinent to note that the Respondent No. 4 and 5 in their reply dated 13.04.2023 have contended that the Respondent No. 7 with regard to Survey No. 16 at Village Thakursai has registered an FIR No. E-2/2022-23 filed under the Indian Forest Act, 1927 u/s 26(1)A,D,G and for Survey No. 21 at Village Kole Chafeshwar, the Respondent No. 7 has registered an FIR No. E-6/2022-23 filed under the Indian Forest Act, 1927 u/s 26(1)A,D,G. however, none of the FIRs registered by the Authorities in any way implicate any of the Respondents.

### **13.Reply to the Grounds of the Application**

- a. That the contentions raised by the Applicant in ground No. I are totally misconceived and the Applicant has not even been able to make out any case with regards to the contravention of the Forest Conservation Act as far as the Respondent No. 9 and 10 are concerned.
- b. Since the fact finding report dated 23.02.2023 of the Joint Committee constituted by this Hon'ble Tribunal in no way attributes any mining activity to the Respondent No.9 and 10, the contention in ground No. II of the present OA has no relation with Respondent No.9 and 10. Also,

on perusing the OA as it is, the Applicant has failed to even make out a case with regards to alleged illegal mining at the behest of any of the Respondents. In circumstances where, the Applicant has failed to prove the assertion in the OA No. 103 of 2022 against any of the Respondents, and in the absence of any evidence corroborating the contentions of the Applicant that the Respondents are undertaking illegal mining, the question of obtaining prior Environment Clearance does not arise. Thus, the contention in ground No. II has no relevance.

- c. The Report of the Joint Committee dated 23.02.2023 does not attribute any illegality or culpability to the Respondent No.9 and 10 and therefore the contentions in ground No.III are also misplaced.
- d. The contentions with regards to Ground No. IV have been dealt with while replying to Ground No. II in Paragraph No. 13(b) herein above and the same be read as a part of reply for Ground No. IV. Also, the Report dated 23.02.2023 in no way confirms the illegal mining being currently undertaken, more particularly by the Respondent No.9 and 10 and therefore, the question of stopping mining as such does not arise as sought by the Applicant in Ground No. IV.
- e. The contentions in Ground No. V are also negated by the Joint Committee Report dated 23.02.2023 and the reply of the Respondent No.3 dated 29.03.2023. The Respondent No.3 in its reply dated 29.03.2023 has annexed copies of FIR bearing No. 130 of 2022 and 197 of 2022 registered with the Lonavala Gramin Police Station. On perusing the contentions of the said FIRs, the Respondent No.3 has alleged that at Survey No.74 of village Chavsar, 415 Brass of illegal excavation was undertaken by an unknown person and that 6024 Brass was also illegally excavated by an unknown person at Survey No. 96 of

Village Varu and Survey No. 42 of Village Jovan. Thus, the FIRs registered by Respondent No.3 do not support the contentions of the Applicant in Ground No.V.

- f. The Applicant has not been able to substantiate the contentions in ground No.VI so as to justify the allegation that the Respondents are totally undertaking illegal excavation. Such allegations being contrary to record are of no substance.
- g. The Applicant in ground No.VII has failed to demonstrate any damage to the environment as a consequence of the alleged illegal excavation being undertaken by the Respondent No. 9 and 10. The Report of the Joint Committee dated 23.02.2023 having not attributed any illegal action to the Respondent No.9 and 10 where the question of penalizing the Respondent No.9 and 10 does not arise.
- h. The issue raised by the Applicant in Ground No.VIII is not admitted by the Respondent No.9 and 10. The Applicant had produced nothing on record to prove the assertion that the Respondent No.9 and 10 have undertaken money laundering. Be that as it may, the Hon'ble Supreme Court vide its Order dated 27.04.2022 in Civil Appeal No. 2862 – 2863 of 2022 has stayed direction No. (vii) in the Order dated 24.01.2022 issued by the Principal Bench of this Hon'ble Tribunal directing the Enforcement Directorate to examine the matter under the Prevention of Money Laundering Act, 2002. Furthermore, the issue pertaining to money laundering under the Prevention of Money Laundering Act, 2002 does not form a part of the seven enactments specified in the Schedule I of the National Green Tribunal Act, 2010 and therefore, is beyond the jurisdiction of this Hon'ble Tribunal.

- i. The contentions in Ground No. IX by itself demonstrates the vengeance of the Applicant in filing the present Application before this Hon'ble Tribunal. In Ground No. IX, it is the case of the Applicant himself that the Applicant has revengefully filed the present Original Application against the Respondent No. 9 to 12 and Respondent No.14 due to the previous litigations between the Applicant and the said Respondents. In the present Reply, the Answering Respondents in the forthcoming paragraphs have enumerated the details of the previous litigation pending between the Applicant and the Respondent No.9 and 10. It is therefore submitted that the present Original Application is an attempt to misuse the Jurisdiction of this Hon'ble Tribunal to settle personal scores of the Applicant against the Respondent No.9 and 10.

#### **14.Reply to the Limitation:**

Any application under Section 14(3) of the National Green Tribunal Act, 2010 shall be made with this Hon'ble Tribunal within a period of six months from the date on which the cause of action for such dispute first arose and under Section 15(3) of the National Green Tribunal Act, 2010 within 5 years from the date on which the cause of action for compensation or relief first arose. The Hon'ble Supreme Court in (2011) 9 SCC 126 has interpreted the term "right to sue first accrues" to mean that if a suit is based on multiple causes of action, the period of limitation would begin to run from the date when the right to sue first accrues. Successive violation of the right would not give rise to a fresh cause and the suit would be liable to be dismissed if it is beyond the period of limitation counted from the day when the right to sue first accrue. The Applicant in the limitation clause has contended that the cause of action for filing of the present Application arose on 26.08.2022, when the

Applicant had preferred an application to the Respondent No.6. The Hon'ble Supreme Court in (2013) 12 SCC 179 has held that a representation relating to a stale claim or a dead grievance does not give rise to a fresh cause of action. Mere submission of a representation to a competent authority does not arrest time. Therefore, the contentions of the Applicant in the limitation clause that a representation to the Respondent No.6 on 26.08.2022 would give a cause of action to the Applicant to file the present Application is contrary to the law laid down by the Hon'ble Supreme Court as well as this Hon'ble Tribunal.

Also, the Respondent No. 4 and 5 in their Reply Affidavit dated 13.04.2023 has categorically stated, more particularly in Para 11 that the alleged illegal mining has been undertaken "*since past 10 to 12 years in parts and has not been undertaken currently*". Thus, it is the stand of the Respondent Authorities in the present OA that the illegal mining has been undertaken since past 10-12 years. In such circumstances, the OA No. 103/2022 in any case, is beyond the period of Limitation prescribed u/s 14(3) as well as 15(3) of the NGT Act, 2010 and ought to be dismissed solely on this ground.

15. Also, the Hon'ble Supreme Court in a recent Judgment dated 21.10.2022 reported in (2022) SCC Online SC 1469 has categorically held that before a litigant is permitted to knock the doors of justice and seek Orders from the Hon'ble Tribunal which have far reaching effects, the credentials and bonafides of such an Applicant must be tested. The Hon'ble Supreme Court was therefore pleased to direct the Hon'ble Tribunal when objections with regards to bonafides and credentials of Applicants are seriously raised when entertaining the grievance of such Applicants, which is likely to adversely affect the rights of many, it should ensure the bonafides and credentials of such Litigants. In view of the Judgment passed by the Hon'ble

Supreme Court, it is therefore now necessary to ensure the credentials and bonafides of the Applicant in the present case.

16. On perusing the O.A. No.103 of 2022, the major bone of contention of the Applicant is against the Respondent No. 9 and 10. The Respondent No.9 is otherwise a public figure within the city of Lonavala for the last 30 years and is a man of great repute. The O.A. No. 103 of 2022 filed by the Applicant is nothing but a vengeance Application so as to cause inconvenience not only to the Respondent No. 9 and 10 but also to the other members of the society at large for reasons enumerated herein below:

- a. The Applicant had previously on 17.11.2017 registered an FIR against the Respondent No.9. However, the investigating agency after investigating into the alleged offence had submitted a Report dated 16.02.2018 before the Hon'ble Court. However, the Ld. JMFC vide its Order dated 25.09.2019 was pleased to reject the Final Report dated 16.02.2018 of the investigating machinery, against which the Respondent No. 9 has filed a Criminal Revision Application No. 78 of 2022 which is pending adjudication before the Ld. Sessions Judge at Pune. The copy of the Report dated 16.02.2018 submitted by the Investigating Officer is marked and annexed herewith as **Annexure R-1**.
- b. Also, the Applicant had previously filed a Complaint u/s 14(2) of the Maharashtra Agricultural Lands (Ceiling on Holding) Act, 1961 bearing complaint No. 801 of 2022 before the Sub Divisional Officer against the Respondent No. 9 & 10 as well as their families. The Ld. Sub-Divisional Officer vide his Order dated 29.12.2022 has rejected the Complaint filed by the Applicant and therefore the Applicant is using the provisions of the National Green Tribunal Act, 2010 with the intention to hand twist the Respondent No. 9 & 10 without there being any merits to the contentions

raised by the Applicant in O.A. No. 103 of 2022. The Copy of the Order dated 29.12.2022 passed by the Ld. Sub-Divisional Officer is marked and annexed herewith as **Annexure R-2**.

- c. Also, it is brought to the notice of the Hon'ble Tribunal that a Non-Cognizable Offence Information Report bearing No. 770 of 2022 u/s 155 of Cr.P.C dated 21.12.2022 has been registered by Mr. Kirit Somaiyya, Vice President, Bhartiya Janta Party, Maharashtra against the Applicant. On perusing the contents of the said Report, the report has been registered against the Applicant for circulating wrong information that the Complainant in the Report No. 770 of 2022 was going to provide assistance to the Applicant for taking action against the Respondent No. 9 for the alleged illegal mining undertaken by the Respondent No. 9. The NC Report No. 770 of 2022 clearly substantiates the agenda of the Applicant to initiate any legal proceedings against the Respondent No. 9 and to claim assistance of publically known personalities so as to defame the Respondent No. 9. The copy of the NC Report No. 770 of 2022 dated 21.12.2022 is marked and annexed herewith as **Annexure R-3**.
- d. The Ld. Sub Divisional Officer in RTS Appeal No. A/486 of 2020 vide its Order dated 07.01.2021 has set aside the Order dated 14.04.2020 issued by the Tehsildar of Maval directing the Respondent No.12 to deposit a penalty of Rs. 69,72,000/- u/s 48(7) of the Maharashtra Land Revenue Code, 1966 and royalty of Rs.13,94,400/-. Therefore, by the Order dated 07.01.2021, the Ld. Sub Divisional Officer was pleased to set aside the penalty of Rs.83,66,400/- imposed against Respondent No.12 at the instance of the Applicant. The said facts clearly demonstrate more than a vengeance and establish the malafides of the Applicant. The copy of the

Order dated 07.01.2021 passed by the Ld. Sub-Divisional Office is marked and annexed herewith as **Annexure R-4**.

- e. Also, Respondent No.12 as a Power of Attorney Holder of Respondent No.15 has filed a Criminal Complaint No. 406 of 2021 against the Applicant, whereby the Ld. JMFC vide its Order dated 14.07.2021 has directed the police to register an offence u/s 156(3) against the Applicant. In pursuance thereof, an FIR bearing No. 81 of 2021 has been registered against the Applicant at the behest of Respondent No.12. Similarly, the mother of Respondent No.12 has filed a Criminal Complaint No. 416 of 2021 against the Applicant, for which an FIR bearing No. 277 of 2021 has been registered against the Applicant on the directions issued by the Ld. JMFC vide its Order dated 24.06.2021. As a counter blast to all these complaints made by the Respondent No.12, the Applicant has filed the O.A. No. 103 of 2022 before the Hon'ble Tribunal with ulterior motives. The copy of the Order dated 14.07.2021 passed by the Ld. JMFC in Criminal Complaint No, 406 of 2021 along with the FIR No. 81 of 2021 is marked and annexed herewith as **Annexure R-5**.

The copy of the Order dated 24.06.2021 passed by the Ld. JMFC along with the FIR No. 277 of 2021 is marked and annexed herewith as **Annexure R-6**.

- f. Thus, from the documents submitted herein above, the credentials and bonafides of the Applicant are being challenged in filing the O.A. No. 103 of 2022 by the Respondent No. 9 & 10 and therefore this Hon'ble Tribunal ought to undertake a serious endeavor to ensure and check the bonafides and credentials of the Applicant. The Respondent No. 9 & 10 categorically state that the O.A. No. 103 of 2022 is painted with nothing but malafide at behest of the Applicant and therefore in terms of

the Order passed by the Hon'ble Supreme Court in(2022) SCC Online SC 1469, the O.A. No. 103 of 2022 ought to be dismissed by this Hon'ble Tribunal with exemplary costs.

17. In view of the contentions raised herein above, no prayers as sought by the Applicant can be granted qua the Respondent No.9 and 10. As far as the prayer clause A) is concerned, the same has been complied with as this Hon'ble Tribunal has already constituted a Joint Committee vide its Order dated 05.12.2022, which has submitted its Report dated 23.02.2023 and nothing incriminating has been found against the Respondent No.9 and 10. As far as prayer clause B) is concerned, since the report does not confirm illegal mining at the behest of the Respondent No.9 and 10, the same has no consequence. The relief sought in Prayer clause C) cannot be granted in terms of the contentions raised in Paragraph 13 (h) herein above. Since, no illegal excavation has been attributed to the Respondent No.9 and 10 in the Report dated 23.02.2023, no question of levying Environmental Compensation arises as sought in prayer clause D). Prayer clause E) being interim and ad-interim relief, the same does not survive as on date.
18. In view of the contentions raised herein above and the statement made by the Applicant in the Order dated 05.12.2022 that the Applicant agrees in case, it is found that the Respondent No.9 is not found involved in the illegal mining activity, their name would be deleted, in view of the findings of the Joint Committee Report dated 23.02.2023, the names of the Respondent No.9 and 10 ought to be deleted. Furthermore, in terms of the Order passed by the Hon'ble Tribunal dated 24.02.2023 that if the Hon'ble Tribunal finds that the Applicant has launched this case with vengeance, the Hon'ble Tribunal would impose adequate cost on the Applicant, it is just and necessary for this Hon'ble Tribunal to impose exemplary cost on the

Applicant. Thus, the names of the Respondent No.9 and 10 be deleted from the array of Respondents.

19. Even otherwise, the fact finding report dated 23.02.2023 of the Joint Committee constituted by this Hon'ble Tribunal in no way attributes any mining activity against the any of the Respondent. Also, on perusing the present Original Application as it is, the Applicant has failed to even make out a case with regards to alleged illegal mining at the behest of any of the Respondent. In such circumstances, this Hon'ble Tribunal may be pleased to dismiss the present Original Application with exemplary costs.



Filed By:

Sangram Singh R. Bhonsle, Samridhi S. Jain  
Nrupal A. Dingankar & Pushkara A. Bhonsle  
Advocates

A10, LGF, Lajpat Nagar III, New Delhi, 110024

Place: Pune

Email: [samridhi12318@gmail.com](mailto:samridhi12318@gmail.com)

Date: 21.04.2023

Contact No: +91 9890210579

**NOTARIAL REG.**  
ENTRY NO. 227  
DATE 21/04/23



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 103 OF 2022

IN THE MATTER OF:  
Prakash Mishrilal Porwal  
Versus

...Applicant

Ministry of Environment, Forest  
and Climate Changes and Ors.

...Respondents

**AFFIDAVIT**

I, Mr. Nitin Vishwanath Agarwal, Occupation: Business, Age: Adult, Residing at:- Eesh Krupa, Near Vijaya Bank, Lonavala-410401 Maharashtra, do hereby solemnly affirm and state as under:

1. That I am the Respondent No.9 in the above mentioned Original Application as such am conversant with the facts and circumstances of the case and am competent to swear to this affidavit.
2. That I have read the contents of the accompanying reply, the same being drafted by my counsel under my instructions and that the contents of Para 1 to \_\_\_ of the reply are facts in brief believed to be true on legal advice and that I have not suppressed any material fact.
3. That the annexures filed along with the reply are the true copies of their respective originals.

*Mtegorwal*

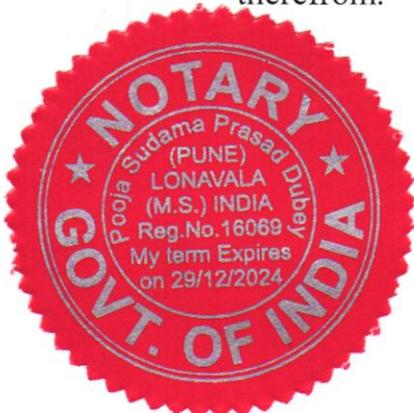
DEPONENT

**VERIFICATION**

Verified at Lonavala on this 21<sup>st</sup> day of April, 2023 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

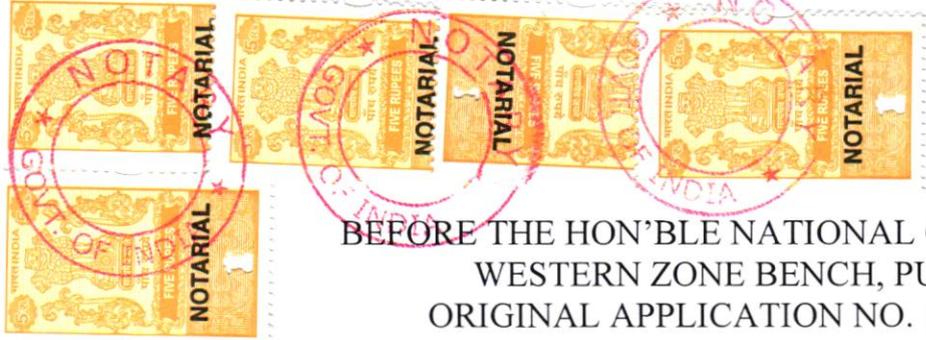
*Mtegorwal*

DEPONENT



Sworn before me on this  
day of 21/04/2023 at Pune (Lonavala) by  
Shri/Smt./Ku. Nitin V. Agarwal  
R/o.....who has been identified  
by Shri/Smt. Adv. Pooja Dubey  
Advocate, Pune (Lonavala) .

*Adv. Pooja Dubey*  
NOTARY 21/04/23  
Govt. of India  
Pune (Lonavala) (M.S.) India



NOTARIAL RE 515  
ENTRY NO. 226  
DATE 21/04/23

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 103 OF 2022

IN THE MATTER OF:  
Prakash Mishrilal Porwal  
Versus  
Ministry of Environment, Forest  
and Climate Changes and Ors.

...Applicant  
...Respondents

AFFIDAVIT

I, Mr. Eesh Nitin Agarwal, Occupation: Business, Age: Adult, Residing at:-  
Eesh Krupa, Near Vijaya Bank, Lonavala-410401 Maharashtra, do hereby  
solemnly affirm and state as under:

1. That I am the Respondent No.10 in the above mentioned Original Application as such am conversant with the facts and circumstances of the case and am competent to swear to this affidavit.
2. That I have read the contents of the accompanying reply, the same being drafted by my counsel under my instructions and that the contents of Para 1 to \_\_\_ of the reply are facts in brief believed to be true on legal advice and that I have not suppressed any material fact.
3. That the annexures filed along with the reply are the true copies of their respective originals.

*E Agarwal*  
DEPONENT

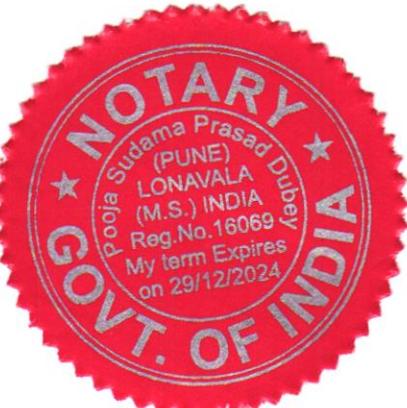
VERIFICATION

Verified at Lonavala on this 21<sup>st</sup> day of April, 2023 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

*E Agarwal*  
DEPONENT

Sworn before me on this  
day of 21/04/2023 at Pune (Lonavala) by  
Shri/Smt./Ku. Eesh N. Agarwal  
R/o..... who has been identified  
by Shri/Smt. Adv. Pooja Dubey  
Advocate, Pune (Lonavala).

Adv. Pooja Dubey  
NOTARY  
Govt. of India  
Pune (Lonavala) (M.S.) India  
21/04/23



मु.पुणे - क/१९५५ - ५५ (प्रति १०५००० अंश)

NCRB  
IIF-VA

## FINAL FORM / REPORT

अंतिम नमुना / अहवाल

( Under Section 173 Cr.p.c. )

( फौजदारी प्रक्रिया संहितेच्या कलम १७३ अन्वये )

IN THE COURT न्यायालय :- मा. प्रथम वर्ग न्याय दंडाधिकारी सो।  
वडगाव मावळ न्यायालय, यांना सविनय सादर,

1. Dist ----- P.S. ----- Year ----- FIR NO ----- Date  
जिल्हा - पुणे पो.ठाणे - कामशेत वर्ष- २०१८ पहिली खबर नं. १५५ दि. - १६/ ११/२०१७
2. Final Report / Charge Sheet No :- ----- 3. Date -----  
अंतिम अहवाल / आरोपपत्र क्रमांक :- ४/२०१८ दिनांक : २३/१२/२०१८
4. I) Act :- ----- Section -  
अधिनियम - भा. द. वि. सं. कलम - ३०७, ३९४, ३२५, ३३७, ५०४, ५०६, ३४,  
II) Act :- ----- Section -  
अधिनियम - कलम -  
III) Act :- ----- Section -  
अधिनियम कलम -  
VII) Other Acts & Section :-  
इतर अधिनियम व कलमे :- आर्म अॅक्ट ३, २५,
5. Type of Final Form / Report :- Charge Sheet / Not Charge Sheeted for Want of evidence / FIR Undetected / FIR  
अंतिम अहवालाचा प्रकार :- आरोपपत्र/तपास लागला नाही/घडलाच नाही/पुराव्या अभावी आरोपपत्र ठेवले नाही / आरोपपत्र दाखल केले
6. Untraced / FIR offence abated / FR Unoccured -----  
If F.R. Untraced : False / Mistaks of Fact / Mistaks of Law / Noncoginizable / Civil Nature :-  
जर पहीली खबर घडलीच नाही : खोटी /वस्तुस्थितीची चुक/ कायद्याची चुक / अदखलपात्र /दिवानी स्वरूप
7. If Chargesheet : Original / Supplementary -----  
जर आरोपपत्र ठेवले : मुळ / पुरवणी
8. Name of the I.O. ----- Rank ----- No  
तपासणी अधिकाऱ्याचे नाव - डी. डी. शिवथरे पदनाम - उप विभागीय पोलीस अधिकारी, लोणावळा  
विभाग लोणावळा,
9. a) Name of Complainant / Informant -----  
तक्रारदाराचे/खबरीचे नाव - प्रकाश मेशरीमल पोरवाल, वय ५० वर्षे, धंदा शेती, रा. श्री एकविरा निवास सर्व्हे नं.  
२४ भुशी प्रधान पार्क शेजारी लोणावळा तालुका मावळ जिल्हा पुणे,
10. Details of properties / Articles / Documents recovered / seized during investigation and relied upon (separate list can be attached if necessary )  
तपासणीचे वेळी परत मिळविलेला/जप्त केलेल्या आणि अवलंबून राहिलेल्या मालमत्तेचा/वस्तुचा तपशील (आवश्यक असेल तर स्वतंत्र यादी सोबत जोडण्यात येईल)

Sl. No अ. नं.	Property description मालमत्तेचे वर्णन	Estimated value (R.s) अंदाजित मुल्य	P.S.Property, Register No पोलीस ठाणे मालमत्ता नोंदवही क्र.	From whom/where recovered or seized कोणाकडून/ कोठून परत मिळवली किंवा जप्त केली	Disposal विल्हेवाट
1	2	3	4		6
	निरंक				

श्री.जी.झ.मु.पुणे - कं/११५ - ५५१ (प्रति १०५००० अं ४ )

Particulars of accused person - not chargesheeted (suspect) ( Use separate sheet for each suspect )

आरोपपत्र न ठेवलेल्या (संशयित) आरोपीचा तपशील ( प्रत्येक आरोपीसाठी स्वतंत्र कागद वापरावा )

SI No

अनुक्रमांक - १

- (I) Name :- ..... Whether verified -----  
 नाव - सुरज विजय अगरवाल पडताळले किंवा काय - होय
- (ii) Father /Husband name -----  
 पित्याचे/पतीचे नाव - विजय अगरवाल
- (iii) Date /Year of birth -----  
 जन्मतारीख / वर्ष - ३६ वर्षे
- (iv) Sex ----- (v) Nationality -----  
 लिंग - पुरुष राष्ट्रीयत्व - भारतीय
- (vi) Passport No ----- Date of Issue ----- Place of Issue -----  
 पारपत्र क्र. दिल्याची तारीख दिल्याचे ठिकाण
- (vii) Religion ----- (viii) whether SC/ST/OBC-----  
 धर्म - जैन अनुसूचित जातीचा/जमातीचा आहे का ?
- (ix) Occupation -----  
 व्यवसाय - व्यापार
- (x) Address -----  
 पत्ता - श्रीगुरुकृपा हार्डवेयर अँड इलेक्ट्रीकल एम. जी. रोड शिवाजी पुतळा समोर लोणावळा,  
 तालुका मावळ जिल्हा पुणे,  
 ----- whether verified -----  
 पडताळला किंवा काय ?
- (xii) Provisional crimimn No -----  
 तात्पुरता गुन्हेगार क्र.
- (xii) Suspicion Approved ----- Yes/no -----  
 संशय सर्रा ठरला काय होय/नाही
- (xiii) Status of the accused (Suspect)-----  
 आरोपीची स्थिती संशय -
- Bailed by Police/ Bailed by Court/In Judicial Custody/Not arrested (tick 'II' applicable portion )  
 पोलीसांनी जामीनावर सोडले/ न्यायालयाने जामीनावर सोडले/न्यायालयीन कोठडीत/ फरारी/उद्घोषित अपराधी /**अटक केली नाही**
- (xiv) Under Acts & Sections -----  
 कोणत्या अधिनियमाखाली व कलमान्वये - भा. द. वि. व कलम ३०७, ३९४, ३२५, ३३७,  
 ५०४, ५०६, ३४, आर्म अँक्ट ३, २५,
- (xv) Any special remarks including reasons for not chargesheets :  
 आरोपपत्र न ठेवण्याच्या कारणांसह कोणत्याही विशेष अभिप्राय

गुन्ह्याचे तपासात सदरचा गुन्हा अदखलपात्र स्वरूपाचा असल्याचे तपासा अंती निष्पन्न झाले आहे.

शा.फो.सि.मु.पुणे - के. ११९ - १९५९ (प्रति १०५००० अं ४)

12 Particulars of accused person not chargesheeted (suspect) ( Use separate sheet for each suspect )  
आरोपपत्र न ठेवलेल्या (संशयित) आरोपीचा तपशील ( प्रत्येक आरोपीसाठी स्वतंत्र कागद वापरावा )

SI No

अनुक्रमांक - २

Name :- ..... Whether verified .....  
नाव - चंदन चंद्रकांत मावकर पडताळले किंवा काय - होय

(ii) Father /Husband name .....  
पित्याचे/पतीचे नाव - चंद्रकांत मावकर

(iii) Date /Year of birth .....  
जन्मतारीख / वर्ष - २८ वर्षे

(iv) Sex ..... (v) Nationality .....  
लिंग - पुरुष राष्ट्रीयत्व - भारतीय

(vi) Passport No ..... Date of Issue ..... Place of Issue .....  
पासपोर्ट क्र. दिव्याची तारीख दिव्याचे ठिकाण

(vii) Religion ..... (viii) whether SC/ST/OBC.....  
धर्म - हिंदू अनुसुचित जातीचा/जमातीचा आहे का ?

(ix) Occupation .....  
व्यवसाय - लेबर कॉन्ट्रॅक्टर

(x) Address .....  
पत्ता - लोणावळा बारा बंगला ता. मावळ जिल्हा पुणे,  
..... whether verified .....  
..... पडताळला किंवा काय ?

(xii) Provisional crimimn No .....  
तात्पुरता गुन्हेगार क्र.

(xii) Suspicion Approved ..... Yes/no .....  
संशय खरा ठरला काय होय/नाही

(xiii) Status of the accused (Suspect).....  
आरोपीची स्थिती संशय -

Bailed by Police/ Bailed by Court/In Judicial Custody/Not arrested (tick 'II' applicable portion )

पोलीसांनी जामीनावर सोडले/ न्यायालयाने जामीनावर सोडले/न्यायालयीन कोठडीत/ फरारी/उद्धोषित अपराधी /अटक केली नाही

(xiv) Under Acts & Sections .....  
कोणत्या अधिनियमाखाली व कलमान्वये - भा. द. वि.व कलम ३०७, ३९४, ३२५, ३३७,  
५०४, ५०६, ३४, आर्म अॅक्ट ३, २५,

(xv) Any special remarks including reasons for not chargesheets :  
आरोपपत्र न ठेवण्याच्या कारणांसह कोणत्याही विशेष अभिप्राय

गुन्ह्याचे तपासात सदरचा गुन्हा अदखलपात्र स्वरूपाचा असल्याचे तपासा अंती निष्पन्न झाले आहे.

शा.पत्र सि.मु.पुणे - के/११५ - ५५१ (प्रति १०५००० अं ४)

13

Particulars of accused person - not chargesheeted (suspect) ( Use separate sheet for each suspect )

आरोपपत्र न ठेवलेल्या (संशयित) आरोपीचा तपशील ( प्रत्येक आरोपीसाठी स्वतंत्र कागद वापरावा )

SJ No

अनुक्रमांक - ३

- (I) Name :- ..... Whether verified .....  
नाव - नितीन विश्वनाथ अग्रवाल पडताळले किंवा काय - होय
- (ii) Father /Husband name .....  
पित्याचे/पतीचे नाव - विश्वनाथ अग्रवाल
- (iii) Date /Year of birth .....  
जन्मतारीख / वर्ष - ५२ वर्षे
- (iv) Sex ..... (v) Nationality .....  
लिंग - पुरुष राष्ट्रीयत्व - भारतीय
- (vi) Passport No ..... Date of Issue ..... Place of Issue .....  
पासपत्र क्र. दिव्याची तारीख दिव्याचे ठिकाण
- (vii) Religion ..... (viii) whether SC/ST/OBC.....  
धर्म - जैन अनुसुचित जातीचा/जमातीचा आहे का ?
- (ix) Occupation .....  
व्यवसाय - शेती व जमीन खरेदी विक्री, समाजकार्य
- (x) Address .....  
पत्ता - २०२ कुकरेजा बिल्डींग विजया बँक जवळ भांगरवाडी रोड, लोणावळा तालुका मावळ जिल्हा पुणे,  
..... whether verified .....  
पडताळला किंवा काय ?
- (xiii) Provisional criminn No .....  
तात्पुरता गुन्हेगार क्र.
- (xii) Suspicion Approved ..... Yes/no .....  
संशय खरा ठरला काय होय/नाही
- (xiii) Status of the accused (Suspect).....  
आरोपीची स्थिती संशय -
- Bailed by Police/ Bailed by Court/In Judicial Custody/Not arrested (tick 'II' applicable portion )  
पोलीसांनी जामीनावर सोडले/ न्यायालयाने जामीनावर सोडले/न्यायालयीन कोठडीत/ फरारी/उद्घोषित अपराधी /अटक केली नाही
- (xiv) Under Acts & Sections .....  
कोणत्या अधिनियमाखाली व कलमान्वये - भा. द. वि. व कलम ३०७, ३१४, ३२५, ३३७,  
५०४, ५०६, ३४, आर्म अँक्ट ३, २५,
- (xv) Any special remarks including reasons for not chargesheets :  
आरोपपत्र न ठेवण्याच्या कारणांसह कोणत्याही विशेष अभिप्राय

गुन्ह्याचे तपासात सदरचा गुन्हा अदखलपात्र स्वरूपाचा असल्याचे तपासा अंती निष्पन्न झाले आहे.

श्री को. सि. मु. पुणे - क/११५ - ५५९ (प्रति १०५००० अं ४)

14 Particulars of accused person not chargesheeted (suspect) ( Use separate sheet for each suspect )

आरोपपत्र न ठेवलेल्या (संशयित) आरोपीचा तपशील ( प्रत्येक आरोपीसाठी स्वतंत्र कागद वापरावा )

SI No

अनुक्रमांक - ४

- (I) Name :- ----- Whether verified -----  
नाव - शफीक ईसाक आतार, पडताळले किंवा काय - होय
- (ii) Father /Husband name -----  
पित्याचे/पतीचे नाव - ईसाक आतार
- (iii) Date /Year of birth -----  
जन्मतारीख / वर्ष - ४२ वर्षे
- (iv) Sex ----- (v) Nationality -----  
लिंग - पुरुष राष्ट्रीयत्व - भारतीय
- (vi) Passport No ----- Date of Issue ----- Place of Issue -----  
पारपत्र क्र. दिल्याची तारीख दिल्याचे ठिकाण
- (vii) Religion ----- (viii) whether SC/ST/OBC-----  
धर्म - मुस्लीम अनुसूचित जातीचा/जमातीचा आहे का ?
- (ix) Occupation -----  
व्यवसाय - व्यापार
- (x) Address -----  
पत्ता - रा. लोणावळा पुरंधर शाळेजवळ ता. मावळ जिल्हा पुणे,  
----- whether verified -----  
पडताळला किंवा काय ?
- (xiv) Provisional crimimn No -----  
तात्पुरता गुन्हेगार क्र.
- (xii) Suspicion Approved ----- Yes/no -----  
संशय खरा ठरला काय होय/नाही
- (xiii) Status of the accused (Suspect)-----  
आरोपीची स्थिती संशय -
- Bailed by Police/ Bailed by Court/In Judicial Custody/Not arrested (tick 'II' applicable portion )  
पोलीसांनी जामीनावर सोडले/ न्यायालयाने जामीनावर सोडले/न्यायालयीन कोठडीत/ फरारी/उद्घोषित अपराधी /अटक केली नाही
- (xiv) Under Acts & Sections -----  
कोणत्या अधिनियमाखाली व कलमान्वये - भा. द. वि. व कलम ३०७, ३९४, ३२५, ३३७,  
५०४, ५०६, ३४, आर्म अॅक्ट ३, २५,
- (xv) Any special remarks including reasons for not chargesheets :  
आरोपपत्र न ठेवण्याच्या कारणांसह कोणत्याही विशेष अभिप्राय

गुन्ह्याचे तपासात सदरचा गुन्हा अदखलपात्र स्वरूपाचा असल्याचे तपासा अंती निष्पन्न झाले आहे.

Particulars of witnesses to be examined :  
(संश्लेषित/साक्षीदारांचे विवरण)

Sl No अ. नं.	Name नाव	Father's/Husband's name वित्याचे/पतीचे नाव	Date/Ye ar or dirth जन्मतारीख /वर्षी	Occupatio न्यवसाय	Address पत्ता	Type of evidence to be tendered साक्षी कडून घ्यावयाच्या पुस्तकाचा प्रकार
1	2	3	4	5	6	7
१	संतोष सुभाष वाळुंजकर	सुभाष वाळुंजकर	३२	नोकरी	बऊर ता.मावळ, जि.पुणे	पंच
२	आसीफ हुसेन शेख,	हुसेन शेख,	३५	नोकरी	कामशेत ता.मावळ, जि. पुणे	पंच
३	योगेश विजु बोडके	विजु बोडके	३२	नोकरी	गळुंजू, ता.मावळ, जि.पुणे	साक्षीदार
४	मोहन तुकाराम घारे	तुकाराम घारे	३७	नोकरी	येलघोल ता.मावळ, जि. पुणे	साक्षीदार
५	राजकुमार अण्णासो। तंगडी	अण्णासो। तंगडी	४२	नोकरी	पिंपरी पुणे,	साक्षीदार
६	मारुती राघु सावळे	राघु सावळे	४१	नोकरी	बऊर, ता.मावळ, जि.पुणे	साक्षीदार
७	संतोष सुरेश वाळुंजकर	सुरेश वाळुंजकर	३२	नोकरी	बऊर ता. मावळ, जि.पुणे	साक्षीदार
८	कुमार विठ्ठल धायगुडे	विठ्ठल धायगुडे	५२	नोकरी	लोणावळा, ता.मावळ, जि. पुणे	साक्षीदार
९	आशीष रोहिदास शिंदे,	रोहिदास शिंदे,	३२	ड्रायवर	लोणावळा, ता.मावळ, जि. पुणे	साक्षीदार
१०	अजय एकबालसिंग धवन	एकबालसिंग धवन	४३	जमीन खरेदी विक्र	गेरगाव ईष्ट मुंबई	साक्षीदार
११	मा. वैद्यकिय अधिकारी सो। कामशेत ग्रामीण रुग्णालय					साक्षीदार
१२	मा. वैद्यकिय अधिकारी सो। कामशेत संजीवनी हॉस्पिटल					
	डी. डी. शिवथरे उपविभागीय पोलीस अधिकारी लोणावळा विभाग लोणावळा (तपास अधिकारी)					

- 14 If FR is false, indicate action taken or proposed to be taken u/s 182/211 I.P.C.-----  
पहिली खबर खोटी असेल तर भारतीय दंड संहितेच्या १८२/२११ अन्वये केलेली किंवा करावयाची कार्यवाही नमुद करावी
- 15 Result of Laboratory analysis  
प्रयोगशाळा विश्लेषणाचे निष्कर्ष - निरंक

rief facts of the case (Add separate sheet, if necessary)  
प्रकरणाची थोडक्यात माहिती ( आवश्यक असल्यास वेगळा कागद जोडावा )

सदरचा गुन्हा मा. न्यायालयाचे स्थल सिमेत मौजे करुंज (राउत वाडी) गावचे हद्दीत मुंबई - पुणे, एक्सप्रेस रोड किलो मिटर नंबर ७२/४०० जवळ रोड लगत बंद पवना पोलीस मदत केंद्राचे जवळ मोकळ्या जागेत दिनांक १६/११/२०१७ रोजी दुपारी १२:०० वा. चे सुमारास घडला असे

**चार्ज असा की** - दिनांक १६/११/२०१७ रोजी १२.०० वा चे सुमारास मौजे करुंज राउत वाडी गावचे हद्दीत मुंबई - पुणे एक्सप्रेस हायवे रोड लगत पवना पोलीस चौकी जवळ मोकळ्या सार्वजनिक जागेत (१) सुरज विजय अगरवाल, (२) सुरज चा मित्र नांव माहिती नाही, दोघे रा. लोणावळा यांनी मला केवरे ता. मावळ येथील जमीन पाहणेसाठी पार्टी येणार आहे. असे सांगुन लोणावळा येथुन फसवुन त्यांचे चारचाकी गाडीत घेवुन आले त्या ठिकाणी (३) नितीन विश्वनाथ अगरवाल रा. लोणावळा, (४) सेफी पुर्ण नांव माहिती नाही हे त्यांचे गाडीत हजर होते. तेथे गाडी थांबवुन सेफी याने आम्ही बसलेल्या गाडीत मी बसलेल्या शिटचे पाठीमागील शिटवर बसुन क्लच वायरने माझा गळा आवळत असताना मी हाताने वायर गळ्याजवळ पकडली त्यावेळी सुरज अगरवाल व त्याचा मित्र नाव माहित नाही. यांनी माझे दोन्ही हात धरले, त्यावेळी नितीन विश्वनाथ अगरवाल याने त्याचे जवळचे रिव्हॉल्व्हर माझे डोक्याला लावुन हात सोड नाहीतर गोळी घालीन असा दम देवुन माझा खुन करण्याचा प्रयत्न करत असताना मी डावे हाताचे कोपाराने गाडीचे दरवाजावर जोरात धक्का मारला त्यावेळी गाडीचा दरवाजा उघडला जावुन मी गाडीचे दरवाजातुन बाहेर जमीनीवर पडलो व उठताना मोठमोठयाने वाचवा- वाचवा असे ओरडत असताना आवाज ऐकुन हायवे रोडने जाणारी वाहने थांबली तेवढ्यात नितीन अगरवाल याने जमिनीवरचा दगड उचलून पाठीमागुन माझे डोक्यात मारला तेव्हा मी परत खाली पडलो तेव्हा ते सर्वजन माझे गळ्यातील सोन्याची चैन, सोन्याचा ताईत असलेली व सोन्यात रुद्राक्ष मणी गुंफलेली माळ घेवुन पळुन गेले. तेवढ्यात आय. आर. बी. कंपनीचे पेट्रोलिंग करणारे कर्मचारी आले. त्यांनी कामशेत पोलीस स्टेशन येथे फोन केला. थोड्या वेळात पोलीस माझे जवळ आले. वगेरे मजकुरची सविस्तर फिर्याद यातील फिर्यादी प्रकाश मेशरीमल अगरवाल, वय ५० वर्ष, रा. लोणावळा तालुका मावळ यांनी कामशेत पोलीस स्टेशनला दिल्याने दिनांक १६/११/२०१७ रोजी १७:५८ वा. कामशेत पोलीस स्टेशनला गुन्हा दाखल करण्यात आला आहे.

सदर गुन्हाचा तपासा कामशेत पोलीस स्टेशन येथे चालु असताना गुन्हाचा तपास योग्य पद्धतीने होत नाही असे फिर्यादी प्रकाश पोरवाल, वय ५० वर्ष, रा. लोणावळा, यांना वाटल्याने त्यांनी वरिष्ठाना भेटुन सदर गुन्हाचा तपासा अन्य ठिकाणी वरिष्ठ पोलीस अधिका-यांकडे द्यावा अशी तक्रार केल्याने सदर गुन्हाचा तपास वरिष्ठाचे आदेशाने दिनांक ३०/११/२०१७ रोजी आमच्याकडे आलेला आहे.

दिनांक ०१/१२/२०१७ रोजी यातील फिर्यादी यांना आमचे कार्यालयात समक्ष बोलावुन त्यांनी दिलेली फिर्याद त्यांना वाचण्यास देवून चर्चा केली तेव्हा फिर्यादी यांनी फिर्याद बरोबर आहे. त्यावेळी मला मारहाण झाल्याने मी घाबरून गेलो होतो. त्यावेळी मला गाड्याचे नंबर आरोपीची पुर्ण नावे सांगता आली नाहीत असे सांगुन त्यांनी गुन्हातील आरोपीची नावे (१) सुरज विजय अगरवाल, वय ३६ वर्ष, (२) सुलेमान मेहबुब शेख, (३) नितीन विश्वनाथ गदरवाल, (४) सफी इसाख अत्तार, सर्व रा. लोणावळा ता. मावळ जिल्हा पुणे, असे आरोपीची नावे सांगुन गुन्हातील गाड्या महेंद्रा स्कॉपीयो गाडी नं. MH-14/FS-3393 फोर्ड गाडी नंबर MH-12/CD-3677 असे नंबर सांगितले.

गुन्हा घडला ठिकाणचा पंचनामा पाहुन फिर्यादी यांना बरोबर घेवुन गुन्हा घडला ठिकाणी जावुन पाहणी केली. सदर गुन्हा घडला ठिकाण हे मौजे करुंजची राउतवाडी गावचे हद्दीतील मुंबई - पुणे द्रुतगती महामार्गाचे लगत असणा-या बंद पवना पोलीस चौकीचे समोर उतारावर द्रुतगती महामार्ग कि.मी. ७३.४०० चे लगत, ता.मावळ, जि.पुणे येथे असुन सदर ठिकाण हे द्रुतगती महामार्गाचे तार कपांडडे आतमधील बंद पवनाचौकी येथुन द्रुतगती महामार्गाकडे जाणा-या कच्च्या माती मुरुमाचे रस्त्यावर आहे, त्यावेळी यातील फिर्यादी प्रकाश पोरवाल यांना भांडनाचे वेळी अंगातील फाटलेला शर्ट बाबत विचारले तेव्हा तो शर्ट पुर्ण फाटल्याने या ठिकाणीचा फेकुन दिला आहे. असे सांगितले तेव्हा त्यांचे माहितीने त्यांचे बरोबर तपास पथकाच्या मदतीने गुन्हा घडला ठिकाणी व आसपास त्यांचे शर्टचा शोध घेतला परंतु त्यांचा शर्ट मिळुन आला नाही.

सदर गुन्हातील फिर्याद मध्ये सांगितले प्रमाणे आय. आर. बी.कंपनीचे त्या भागात पेट्रोलिंग झुटी करणारे कर्मचारी (१) योगेश विजु बोडके वय-३२ वर्ष, रा. गहुंजे, (२) मोहन तुकाराम घारे वय-३७ वर्ष,

रा. यलघोल, (३) राजकुमार अण्णासाहेब तंगडी वय-४२ वर्ष, रा. पिंपरी पुणे (४) मारुती राघु साबळे वय- ४२ वर्ष, (५) संताप सुरेश वाळुंजकर वय ३२ वर्ष, दोन्ही रा. बउरवाडी, ता. मावळ, जि. पुणे, यांना आमचे कार्यालयात समक्ष बोलावुन यांचेकडे तपास केला.

आ. नंबर १ यांनी फिर्यादी यांनी सांगितेली ऐकीव हकिगत सांगुन प्रत्येकात फिर्यादी प्रकाश पोरवाल, यांना मारहान करताना किंवा रिहॉल्वर दाखविताना पाहीले नाही. असे सांगत आहेत.

आ. नंबर २, ३, ४, ५, दिनांक १६/११/२०१७ रोजी सकाळी ८:०० ते सायंकाळी ५:०० वा आम्ही नेहमी प्रमाणे द्रुतगती मार्गावर पेट्रोलिंग ड्युटीवर होतो. त्यावेळी पेट्रोलिंग ड्युटीमध्ये बंद असलेली पवना पोलीस चौकी समोर कि. मिटर नंबर ७३/४०० जवळ कोणाचे भांडन मारामारी झालेली आम्ही पाहीले नाही व ऐकले नाही. असे सांगत आहेत.

यातील फिर्यादी प्रकाश मेशरीमल पोरवाल, वय ५० वर्ष, यांचेवर उपचार करणारे वैद्यकिय अधिकारी संजीवनी हॉस्पिटल यांना समक्ष भेटुन यातील फिर्यादी त्यांचे डावे हाताचे कोपरावर मार लागला त्या ठिकाणी फॅक्चर आहे किंवा नाही या बाबत रिपोर्ट देवुन स्पष्ट अभिप्राय मागीतला मा. वैद्यकिय अधिकारी यांनी फिर्यादी यांचे डावे हाताचे कोपरावर फॅक्चर नसल्याचा स्पष्ट अभिप्राय दिला आहे.

फिर्यादी प्रकाश मेशरीमल पोरवाल, वय ५० वर्ष, यांचेवर कामशेत ग्रामीण रुग्णालय मा. वैद्यकिय अधिकारी यांनी उपचार केले असुन त्यांनी फिर्यादी यांना झालेल्या जखमा ओरखड्याच्या साध्या आहेत नक्की कशाने झाल्या आहेत ते सांगता येत नाही. असा अभिप्राय दिला आहे.

फिर्यादी प्रकाश मेशरीमल पोरवाल, वय ५० वर्ष, यांनी समक्ष हजर केलेले सादीदार अजय एकबालसिंग धवन, वय ४३ वर्ष, व्यवसाय जमीन खरेदी विक्री, रा. गोरगाव ईष्ट मंबई नंबर ६३, यांचेशी चर्चा करुन विचारपुस केली. तेव्हा त्यांनी दिनांक १६/११/२०१७ रोजी स. १२:०० वा. चे सुमारास मी माझी फोर्ड गाडी नंबर MH-48/AW-3357 ही स्वःता चालवित लोणावळा येथुन मुंबई-पुणे एक्स्प्रेस रोडने तुंगी गावी माझी जमीन व बंगल्यावर जाणेसाठी एक्स्प्रेस रोडवरुन पवना बंद पोलीस चौकी समोर डावे बाजूला वळुन जात असताना पोलीस चौकी समोर मोकळ्या जागेत एक फोर्ड गोल्डन रंगाची गाडी उभी होती. व गाडीमध्ये ड्रायवर शिटवर सुरज विजय अगरवान बसलेला होता. त्याला मी ओळखले त्याचे बाजुचे शिटवर एक इसम बसलेला होता. व पाठीमागचे शिटवर दोन इसम बसलेले होते. गाडीचे बाहेर दरवाजाचे बाजूला एक ईसम उभा होता. त्यांचेत काहीतरी वाद चाललेला मी पाहीले, प्रत्येकात फिर्यादी प्रकाश मेशरीमल पोरवाल, यांना मारहान करताना किंवा रिहॉल्वर दाखविताना पाहीले नाही. असे सांगत आहेत.

सदर गुन्हातील आरोपी सुरज विजय अगरवाल, वय ३६ वर्ष, धंदा शेती, व व्यापार, रा. श्रीगुरुकृपा हार्डवेयर अण्ड इलेक्ट्रीकल एम. जी. रोड शिवाजी पुतळा समोर लोणावळा, यांचेकडे तपास केला त्याने सांगितले,

सन २०१४ साली श्री. प्रकाश पोरवाल यांनी त्यांची मौजे केवरे येथील जमीन गट नं गट नं ७५ (१)(३) व तेथील इतर तीन गट १६,००,०००/- (सोळा लाख) रुपयानां विकायची असल्याचे सांगितले माझे वडीलांनी त्यांचेवर विश्वास ठेवुन सदरची जमिन विकत घेण्याचे ठरविले. व माझे वडीलांनी प्रकाश पोरवाल यांना वडीलांचे लोणावळा सहकारी बँक, लोणावळा शाखेचे खाते क्रं. ७०५४ चे अनुक्रमे १०,००,०००/- (दहा लाख) व ५०,००,०००/- (पाच लाख) असे एकुण १५ लाख रुपयांचे क्रॉस चेक प्रकाश पोरवाल यांना दिले, सदरचे चेक त्यांनी त्यांचे खात्यावर वटून घेतले व खरेदीखत करुन न देता टाळाटाळ केली. खरेदीखत करुन देतो असे म्हणत असल्याने आम्ही त्यांचेवर विश्वास ठेवला.

तसेच सन २०१३ साली श्री. प्रकाश पोरवाल यांनी मौजे तुंग, ता. मावळ, जि. पुणे येथील जमीन गट नं २३४ चा १ व ३७६ या जमीनी त्यांचे मालकीच्या व ताबे वहिवाटीच्या असल्याचे चुलते प्रकाश किसनलाल अगरवाल, चुलती सौ. श्रध्दा प्रकाश अगरवाल व चुलते दिपक किसनलाल अगरवाल रा. लोणावळा यांना भरवसा देवुन सदर जमिनी ५०,००,०००/- (पन्नास लाख रुपयांना) विकायच्या आहेत असे सांगुन त्यांचेकडुन चेकद्वारे त्यांचे खात्यातुन ५०,००,०००/- (पन्नास लाख) रुपये घेतले मा. दुय्यम निबंधक, लोणावळा यांचे कार्यालयात सदर जमिनीचे खरेदीकरीता शासकीय भरणा मुद्रांक शुल्क रुक्कम ६,००,०००/- (साठ हजार) व नोंदणी शुल्क १५,०००/- (पंधरा हजार) असे एकुण ७५,०००/- रुपये हे माझे चुलते प्रकाश अगरवाल यांनी भरले. परंतु नमुद खरेदीखताचे वेळी प्रकाश पोरवाल हे हजर राहीले नाहीत,

दि. १५/११/२०१७ रोजी सायंकाळी ७.३० वा चे सु। प्रकाश पोरवाल मला म्हणाले तुम्हाला प्रलंबीत असणारी सर्व खरेदीखते करुन देतो परंतु खरेदीखतांना नवीन ७/१२ उतारा जोडणे आवश्यक आहे, पवनानगर येथे तलाठी कार्यालयात उद्या माझेसोबत चल असे म्हणाले.

दि. १६/११/२०१७ रोजी सकाळी ११:०० ते ११:१५ वा. सुमारास प्रकाश पोरवाल व मी एकमेकांशी फोनवर बोलुन मी, माझा मित्र कादर ईनामदार रा. भांगरवाडी, लोणावळा यांचेकडुन फोर्ड गाडी नंबर

MH-12/QD-3677 ही घेवुन प्रकाश पोरवाल व आमचे दोघांचे ओळखीचा चंदन चंद्रकांत मावकर, रा. लोणावळा असे आमही तीघेजन गाडीत लोणावळा येथुन निघालो. मी स्वतः ड्रायव्हींग करत होतो. प्रकाश पोरवारल माझे बाजूचे शिटवर बसले होते व पाठीमागील शिटवर चंदन चंद्रकांत मावकर, बसला होता. मी गाडी ड्रायव्हींग करत लोणावळा येथुन मुंबई पुणे एक्सप्रेस हायवे रोडने बंद पवना चौकीचे समोरून करुंजमार्गे पवनारोडला जाण्यासाठी वळालो. बंद पवना पोलीस चौकीचे समोर आलो त्यावेळी प्रकाश पोरवाल त्यांनी लघवीला जायचे आहे, गाडी थांबव म्हणाले मी गाडी थांबविली, प्रकाश पोरवाल खाली उतरले तेव्हा मी पन गाडीतुन खाली उतरलो. त्यावेळी प्रकाश पोरवाल मला म्हणाले मी तुला फसवुण इथे आणले आहे, तुम्हाला कसली जमीन पाहीजे रे असे म्हणुन माझ्या नादी लागल्यावर काय होते हे आता तुला दाखवतो. असे म्हणुन मला शिवीगाळ करत माझे गचुंडे धरले व आमची दोघांची झटापट झाली. झटापटीत आमही दोघेही खाली जमीनीवर पडलो. त्यावेळी प्रकाश पोरवाल यांना डावे हाताला मार लागला व त्याचे डावे कानाचे खाली मानेवर ओरखडले व रक्त आले. व मलाही किरकोळ मार लागला. त्यावेळी त्याने स्वतःचे अंगातील शर्ट फाडुन काडुन मोठमोठ्याने ओरडल्याने मी घाबरुन गाडीत बसलो. व गाडी चालु करुन चंदन चंद्रकांत मावकर, व मी गाडी घेवुन तेथुन एक्सप्रेस हायवेरोडने पुणे बाजुकडे गेलो. व पहीला यू टर्न वर वळुन पुणे मुंबई एक्सप्रेस हायवे रोडने परत फिरुन प्रकाश पोरवाल याचे जवळ आलो. त्याच वेळी पोलीस गाडीमध्ये पोलीस आले प्रकाश पोरवाल व मी पोलीसांना आमचे भांडन व झटापट झाल्याचे सांगितले. त्यावेळी पोलीसांनी प्रकाश पोरवाल व आम्हाला गाडीत घेवुन कामशेत पोलीस स्टेशला घेवुन गेले.

त्यावेळी कामशेत पोलीस स्टेशनमध्ये प्रकाश पोरवाल यांनी मी व माझा मित्र नाव माहीत नाही. तसेच चुलते नितीन विश्वनाथ अगरवाल व त्यांचा ड्रायवर सेफी, असे आमही त्यांचा क्लच वायरने गळा आवळुन डोक्याला रिट्हाॅल्वर लावुन खुन करण्याचा प्रयत्न केला असे खोटे सांगुन आमचे विरुध्द चुकीची फिर्याद दिली आहे. मला झटापटीत किरकोळ मार लागल्याने दुसरे दिवशी दिनांक १७/११/२०१७ रोजी मी लोणावळा येथे खाजगी दवाखान्यात उपचार घेतले आहेत असे सांगत आहेत.

फिर्यादमध्ये नमुद सुरज अगरवाल यांचे बरोबर गाडीत असलेला मित्र समक्ष हजर होवुन त्याने आपले नाव चंदन चंद्रकांत मावकर, वय २८ वर्षे, धंदा लेबर कॉन्ट्रॅक्टर, रा. लोणावळा असे सांगुन त्याने वरील प्रमाणे हकिगत सांगुन प्रकाश पोरवाल व सुरज अगरवाल यांचेत भांडन व झटापट झाल्याचे व झटापटीत दोघेही जमीनीवर पडले व मार लागला असे सांगत आहे.

नितीन विश्वनाथ अगरवाल वय- ५२ वर्षे, व्यव - शेती/व्यापार, रा. लोणावळा, यांचेकडे तपास केला त्यांनी सुरज अगरवाल यांचे प्रमाणे हकिगत सांगुन श्री. प्रकाश पोरवाल यांनी त्यांचे दिले फिर्यादीप्रमाणे मी करुंजची राउतवाडीचे हददीत बंद पवना पोलीस चौकीचे समोर हजर नव्हतो तर मी दि. १६/११/२०१७ रोजी दुपारी १२.०० वा चे सुमारास माझे लोणावळा येथील माझे जनसंपर्क कालार्यालयात हजर होतो, त्या दिवशी मी माझेकडे आलेल्या लोकांना भेटलेलो आहे. प्रकाश पोरवाल यांचेशी माझा कसल्याही प्रकाचा वाद झाला नाही. त्यांची तक्रार ही खोटी व माझे राजकीय व सामाजिक कार्याला कलंकीत करण्याचा त्यांचा कट आहे. प्रकाश पोरवाल याचा लोणावळा येथील श्री एकविरा निवास सर्व्हे नं. २४ भुशी प्रधान पार्क बंगला हा त्याने इंद्रायणी नदि पात्रातील वाहनारा नैसर्गिक पाण्याचा प्रवाह आडवुन अतिक्रमण करुन मोठ्या प्रमाणात नदिपात्रात भराव टाकुन बांधलेला आहे. त्या बाबत मार्च २०१२ मधील लोणावळा नगर पालीका सर्वसाधारन सभा मध्ये नगरसेवक या नात्याने मी प्रश्न उपस्थित केला. तेव्हा लोणावळा नगर पालीका मुख्याधिकारी यांनी अनाधिकृत बांधकामाची पाहणी करुन प्रकाश पोरवाल यांनी इंद्रायणी नदि पात्रात मोठ्या प्रमाणात भराव टाकुन अतिक्रमण झाल्याचे दिसुन आल्याने लोणावळा नगर पोलीका कार्यालयीन जा. क्र. लोनप ९/स. क्र. २४/ भुशी /२०१२-१३/१७२ दिनांक २४/०४/२०१२ प्रमाणे त्याला नोटिस देण्यात आली आहे. व त्या मुळे त्याचे बंगल्याचे बांधकामाचा पुर्णत्वाचा दाखला त्याला अद्याप मिळाला नाही त्या मुळे प्रकाश पोरवाल माझेवर चिडुन आहे. असे सांगत आहेत.

फिर्यादी प्रकाश पोरवाल यांनी पुरवणी जबाब मध्ये आरोपीचे दिलेले नाव शफीक ईसाक आतार, वय ४२ वर्षे, धंदा व्यापार व शेती, रा. लोणावळा ता. मावळ जि. पुणे, हे स्वतः समक्ष हजर होवुन दिनांक १६/११/२०१७ रोजी दुपारी १२.०० वा. चे सुमारास मी माझी स्कोर्पिओ गाडी नंबर MH-14/FS-3393 ही मध्ये एकटा स्वतः ड्रायव्हींग करत लोणावळा येथुन जवन येथे माझी जमीन पाहणेसाठी मुंबई पुणे एक्सप्रेस हायवे रोडने बंद पवना पोलीस चौकीचे समोरून करुंजमार्गे पवनारोडला जाण्यासाठी वळुन, बंद पवना पोलीस चौकीचे समोर आलो त्यावेळी पवना चौकी समोर प्रकाश पोरवाल व सुरज अगरवाल हे यांची गाडी उभी करुन गाडीचे बाहेर त्यांचेत काहीतरी वाद चालला होता. प्रकाश पोरवाल यांनी सुरज अगरवाल याचे गचुंडे पकडले व त्यांचेत झटापट होवुन ते दोघेही खाली जमीनीवर पडले मी नितीन अगरवाल यांचे बरोबर असतो हे प्रकाश पोरवाल यांना माहीत

असुन त्यांचे भांडनात विनाकारण मला त्रास नको म्हणुन मी तेथे न थांबता पवना पोलीस चौकीचे समोरून माझी गाडी घेवुन जवण येथे गेलो. व जवण येथे जमीनीची पाहणी करुन सायंकाळी परत लोणावळा येथे आलो. प्रकाश मेशरीमल पोरवाल रा. लोणावळा यांनी उपविभागीय पोलीस अधिकारी कार्यालयात यांची दिनांक १६/११/२०१७ रोजी दुपारी १२:०० वा. चे सुा मुंबई - पुणे एक्स्प्रेस हायवे रोडचे बाजुला बंद पवना पोलीस चौकीचे समोरून अगरवाल यांचेबरोबर झालेले भांडनाचे तक्रारीमध्ये माझी महेंद्रा स्कॉर्पिओ गाडी नंबर MH-14/FS-3393 चा नंबर व माझे नाव सांगितले असल्याचे मला सुमारे २० ते २५ दिवसापुर्वी समजले. म्हणुन मी स्वतः आलो आहे. माझा त्या भांडनाशी काही संबंध नाही. असे सांगत आहेत.

यातील फिर्यादी प्रकाश मेशरीमल पोरवाल वय ५२ वर्षे, यांनी फिर्यादीमध्ये आरोपी सुरज विजय अगरवाल, याचा मित्र नाव माहीत नाही असे सांगितले आहे. त्याबाबत फिर्यादी यांनी समक्ष पुरवणी जबाब देताना त्याचे नाव सुलेमान मेहबुब शेख रा. भैरवनाथनगर कॉफ्रेट इंडिया रेल्वे स्लीपर कंपनी शेजारी लोणावळा असे सांगितले आहे. त्याचा दिले पत्त्यावर व आसपास तपास केला परंतु सदर नावाचा कोणीही इसम नसल्याचे निष्पन्न झाले आहे.

एकंदर सदर गुन्ह्याचे झाले तपासात असे निष्पन्न झाले की, दिनांक १६/११/२०१७ रोजी १२:०० वा. कुरुंग राऊत वाडी गावचे हदीत मुंबई - पुणे जाणारा एक्स्प्रेस रोडचे कडेला बंद पवना पोलीस चौकी समोर मोकळ्या जागेत फिर्यादी प्रकाश मेशरीमल पोरवाल, वय ५० वर्षे, रा. श्री एकविरा निवास सर्व्हे नं. २४ भुशी प्रधान पार्क शेजारी लोणावळा सुरज विजय अगरवाल, वय ३६ वर्षे, व चंदन चंद्रकांत मावकर, वय २८ वर्षे, दोन्ही रा. लोणावळा ता.मावळ जिल्हा पुणे, हे फोर्ड गाडी नं. MH-12/CD-3677 ही मधुन पवना नगर केवरे जात असताना नमुद ठिकाणी लघवी करीता थांबले तेव्हा यातील फिर्यादी प्रकाश पोरवाल व सुरज अगरवाल यांचेत मौजे केवरे जमीन गट नं गट नं ७५ (१)(३) व तेथील इतर तीन गट तसेच मौजे तुंग, जमीन गट नं २३४ चा १ व ३७६ या जमीनीचे रखडलेले व्यवहाराचे कारणावरून शाब्दीक वाद व भांडन होवुन झटापट झाली. व झटापटीत दोघे खाली जमीनीवर पडले त्यात यातील फिर्यादी यांना डावे हाताला मार लागुन डावे कानाचे खाली मानेवर ओरखड्याच्या साध्या जखमा झाल्या आहेत. परंतु यातील फिर्यादी प्रकाश मेशरीमल पोरवाल वय ५० वर्षे, यांनी कामशेत पोलीस स्टेशनमध्ये (१) सुरज विजय अगरवाल वय ३६ वर्षे, (२) सुरज याचा मित्र नाव माहीत नाही (३) नितीन विश्वनाथ अगरवाल, वय ५२ वर्षे, (४) नितीन अगरवाल यांचा चालक सेफी पुर्ण नाव माहीत नाही. सर्व रा. लोणावळा तालुका मावळ जिल्हा पुणे, अशी नावे सांगुन ते दखलपात्र गुन्ह्यामध्ये अडकुन त्यांना त्रास व्हावा या हेतुने चुकीची अधिक भरीव माहीती सांगुन दखलपात्र स्वरुपाची फिर्याद दिलेली आहे. सदर गुन्ह्याचे तपासात सदरचा गुन्हा अदखलपात्र स्वरुपाचा असल्याचे तपासा अंती स्पष्ट झाले आहे.

तरी सदर सदरचा गुन्हा अदखलपात्र स्वरुपाचा असल्याचे तपासा अंती स्पष्ट झाल्याने सदर गुन्ह्याचा सी. आर. पी. सी. १७३(३)४ प्रमाणे "एन्. सी." फायनल उचित न्यायार्थ सविनय सादर.

17.	Refer Notice served : नोटीस बजावले संदर्भ (Acknowledgement to be placed) पोच मिळाल्याची सही	Yes/No होय/नाही	Date तारीख - १६/०२/२०१८
18	Despatched on पाठविण्याची तारीख No of enclosures एकुण जोडलेल्या प्रति		
20	List of enclosures : As annexed (जोडलेल्या प्रतिची यादी)		
Signature of Investigating Officer Forwarded by Officer in charge प्रभारी अधिकारी Name ----- नाव -		submitting Final report/Charge sheet अंतिम अहवाल/आरोपपत्र दाखल करण्या तपासिक अंमलदाराची सही Name ----- नाव - डी. डी. शिवथरे उप विभागीय पोलीस अधिकारी लोणावळा विभाग लोणावळा	

Brief facts of the case (Add separate sheet, if necessary)

The said crime happened in the Hon. Court, MaujeKarunj (RautWadi) Village Limits, Mumbai - Pune Express Road Km No. 72/400 Road, Adjacent Pavana Police Help Center Open Space Dated 16/11/2017 at 12:00 PM.

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Charge that on 16/11/2017 at around 12.00 PM of village MaujeKarunjRautWadi, in an open public space near Pavana Police Chowki near Mumbai Pune Express Highway, (1) Suraj Vijay Agarwal, (2) Suraj's friend name not known, both residing at. Lonavla, Maval board will come to get the land. Saying this, they tricked him from Lonavla and took his four-wheeler in a car. (3) NitinVishwanath Agarwal Res. Lonavala, (4) Sefi full name not known was present in his car. After stopping the car there, Sefi sat on the back seat of the seat I was sitting in and tied my neck with a wire. At that time,

Suraj Agarwal and his friend's name is not known, held both my hands, at that time NitinVishwanath Agarwal tried to kill me by putting his nearby revolver on my head, saying that he would release his hand or else he would shoot me. When I got out of the door of the car, I fell on the ground and while I was getting up, shouting loudly, "Save me, save me," the vehicles on the highway stopped after hearing the sound. Nitin Aggarwal picked up a stone on the ground and hit me on the head from behind. And ran away with a necklace entwined with Rudraksha beads in gold. Meanwhile, I. R. B. The patrolling personnel of the company came. He called Kamshet Police Station. After a while the police came near me. VagareMajkurbi The plaintiff in the complaint is Prakash Meshrimal Agarwal, aged 50 years, Res. LonavalaTalukaMaval to Kamshet Police Station on 16/11/2017 at 17:58 hrs. A case has been registered at Kamshet Police Station.

Prosecutor Prakash Porwal, aged 50 years, Res. Lonavala, as he felt that he should meet the senior and report that the investigation of the said crime should be handed over to the senior police officers at another place, the investigation of the said crime has come to us on 30/11/2017 by order of the senior.

On 01/12/2017, when the said complainant was called to our office and read the complaint filed by him during the discussion, the complainant agreed with the complaint. At that time I was scared because I was beaten. At that time he told me that he could not tell me the car numbers and full names of the accused, he named the accused in the crime (1) Suraj Vijay Agarwal, aged 36 years, (2) SulaimanMehbub Shaikh, (3) NitinVishwanathGadarwal, (4) Safi Isakh Attar, all of Lonavalaby naming the accused as Maval district Pune, the cars involved in the crime were Mahendra Scorpio car no. MH-14/FS-3393 Ford Vehicle No. MH-12/CD-3677.

After seeing the Panchnama of the place where the crime took place, he took the plaintiff along with him and went to the place where the crime took place and inspected it. The place where the said crime took place is in the limits of Rautwadi village of MaujeKarunj, adjacent to the Mumbai-Pune expressway, in front of the closed Pavana police post, on the slope of the expressway km. Adjacent to 73.400, hrs. Maval, Dist. Pune and the said place is on the unpaved dirt road leading to the Expressway from Pawanachowki inside the wire compound of the Expressway, when the plaintiff Prakash Porwal was asked about the torn shirt of his body during the fight, the shirt was completely torn and thrown at this place. is given When told this, his informant along with the help of the investigation team searched for his shirt in and around the place where the crime took place but his shirt was not found.

As stated in the complaint in the said crime, I. R. B. Employees of the company doing patrolling duty in that area (1) YogeshVijuBodke age 32 years, Res. Gahunje, (2) Mohan TukaramGhare aged 37 years,Res. Yalghol, (3) RajkumarAnnasahebTangdi Age 42 Years Res. Pimpri Pune (4) MarutiRaghu Age 32 Years, (5) Santash Suresh Wakunjkar Age 32 Years, Both Res. Baurwadi, Maval, Dist. Pune, called him before us and investigated him.

Accused No. 1 has narrated the entire truth told by the plaintiff Prakash Porwal, was not seen beating or showing the revolver, they are saying that.

Accused No. 2, 3, 4, 5, dated 16/11/2017 from 8:00 am to 5.00 pm we were on patrolling duty on expressway as usual Km in front of Pavana police post which was closed on patrolling duty at that time. They are saying that we have not seen or heard anyone fighting near meter number 73/400.

After meeting the medical officer treating the plaintiff Prakash MesharimalPorwal, aged 50 years, in front of Sanjeevani Hospital, he asked for a clear opinion by giving a report on whether there is a fracture on the left elbow where the plaintiff was hit. The medical officer has given a clear opinion that there is no fracture on the elbow of the plaintiff's left arm.

Plaintiff Prakash MesharimalPorwal, aged 50 years, Kamshet Rural Hospital Hon. The medical officer treated and the injuries sustained by the plaintiff are simple scratches and it is not possible to say what exactly caused them. This feedback has been given.

Witness produced by the plaintiff Prakash MeshrimalPorwal, aged 50 years, Ajay Ekbal Singh Dhawan, aged 43 years, business land purchase and sale, Res. GorgaonIshta Mumbai No. 63, inquired after years. Then he dated 16/11/2017. 12:00 p.m. I was driving my Ford car number MH-48/AW-3357 from

Lonavala on the Mumbai-Pune Express Road to Tungi village from the express road to go to my land and bungalow. A golden colored car was standing. And Suraj Vijay Aggarwal was sitting on the driver's seat in the car. I recognized him with an isam sitting on the sheet by his side. And two Isams were sitting on the back seat. A person was standing outside the car by the door, I saw some argument going on between them, in each case the prosecutor is saying that he did not see Prakash Meshrimal beating Porwal or showing the revolver.

Accused in the said crime Suraj Vijay Aggarwal, age 36 years, subsidized agriculture and trade, Res. Shri Gurukrupa Hardware and Electrical M. G. Road Shivaji statue in front of Lonavala, he investigated it and said, in 2015 Mr. Prakash Porwal said that his mane will come to you.

In the year 2014 Mr. Prakash Porwal said that he wanted to sell his plot of land in Kevre, Group No. Group

No. 75 (1) (3) and other three groups there for Rs. 1600000/- (Sixteen Lakhs). And my father gave to Prakash Porwal father's Lonavla Cooperative Bank, Lonavla branch account no. 7054 of Rs.10,000,000/- (Ten Lakh) and Rs.500,000/- (Five Lakhs) were respectively given to Prakash Porwal for a total of Rs.15 Lakhs. We believed them as they said they would do the purchase.

Also in the year 2013 Mr. Mauje Tung by Prakash Porwal, Cousin Prakash Kisanlal Agarwal, Cousin Mrs. 1 and 376 of Land Group No. 234 in Maval, District Pune are owned and occupied by them. Shraddha Prakash Aggarwal and Cousin Deepak Kisanlal Aggarwal Res. Lonavla that he wants to sell the said lands for Rs.50,00000/- (Fifty Lakhs), My cousin Mr. Prakash Agarwal paid a total of Rs. 75000/- for the purchase of the said land in the office of the Second Registrar, Lonavla as government payment stamp duty Rs. 60000/- (sixty thousand) and registration fee Rs. 15,000/- (fifteen

thousand). But Prakash Porwal was not present at the time of purchase.

On 15/11/2017 at 7.30 PM. Prakash Porwal told me to send you all the pending purchase orders but need to attach new 7/12 extract to the purchase orders, come with me tomorrow at Talathi office at Padnanagar.

On dt.16/11/2017 from 11:00 AM to 11:15 AM. Prakash Porwal and I were talking to each other on the phone, I, my friend Kadar Eenamdar. Ford vehicle number MH-12/CD-3677 from Bhangarwadi, Lonavala, by Prakash Porwal and our acquaintance ChandanChandrakantMavkar, Res. Lonavala we three left from Lonawala. I was driving myself. Prakash Porwaral was sitting on the seat to my right and ChandanChankantMavkar was sitting on the back seat. I was driving from Lonavla on Mumbai Pune Express Highway and took a turn to Pavana Road in front of the closed PavanaChowki. When I came in front of the closed Pavana Police Check, Prakash Porwal said he wanted to

go to Laghvi. The car also stopped the car saying Chand. When Prakash Pokhal got down, I got down from the car. . At that time Prakash Porwal said to me that I have brought you here as a fool, to tell you what kind of land you want to see: Now I will show you what happens when my nadi strikes. For that, he abused me and grabbed my hand and we had a fight. We both fell down on the ground. At that time, Prakash Porwal was hit on his left hand and his left ear was scratched on his neck and bleeding. And I also got a minor hit. At that time he tore off his own shirt and screamed loudly, so I sat in the car scared. And by starting the car, ChandanVrakantMavkar, and I took the car and went from there to Pune side by express highway. And I took the first U-turn and returned to Pune-Mumbai Express Highway and came close to Prakash Porwal. At the same time the police came in the police car, Prakash Porwal and I told the police about our fight and fight. At that

time, the police took Prakash Porwal and us in the car and took us to Kamshet police station.

At that time in Kamshet police station, Prakash Porwal, I and my friend's name is not known. Also, we have falsely filed a false complaint against our cousin NitinVishwanath Agarwal and his driver Sefi, saying that we tried to kill them by strangling them with a clutch wire and putting a revolver to their head. Stating that I have been treated in a private hospital at Lonavla on the second day dated 17/11/2017 due to minor injuries sustained in the attack,

In the complaint, Suraj Agarwal appeared before the police along with his friend who was in the car and gave his name as ChandanChandrakantMavkar, aged 28 years, Labor Contractor by trade, Res. Lonavla, he has stated the facts as above and is saying that there was a fight and fight between Prakash Porwal and Suraj

Agarwal and in the fight both of them fell on the ground and got hit.

NitinVishwanath Agarwal Age- 52 Years, Occupation Agriculture / Trade, Res. Lonavala, investigated - he told the truth like Suraj Agarwal and Mr. Prakash Porwal, as per his complaint, I was not present in front of the closed Pavana police station in Rautwadi area of Karunj, but I d. On 16/11/2017 around 12.00 PM I was present at my Public Relations College in Lonavla, on that day I have met people who came to me. I did not have any kind of dispute with Prakash Porwal. Their complaint is false and it is their conspiracy to tarnish my political and social work. Shri EkviraNiwas Survey No. of Prakash Porwal at Lonavala. 24 Bhushi Pradhan Park Bungalow is built by him by encroachment and encroachment on the flow of natural water in the Indrayani river basin by filling the river basin. As a corporator, I raised a question regarding that in March 2012 in Lonavla Nagar

PalikaSarvasadharanSabha. Then the Chief Officer of Lonavala Municipal Corporation inspected the unauthorized construction and found encroachment by Prakash Porwal filling the Indrayani river basin in a large amount and went to the Lonavala Municipal Police office. No. Lonap 9/s. No. 24/ Bhushi / 2012-13/172 dated 24/04/2012 has been given notice to him. And that's why Prakash Porwal is angry with me because he still hasn't received the completion certificate of his bungalow. They are saying that.

Prosecutor Prakash Porwal, in his supplementary statement, gave the name of the accused as Shafiq Isaak Attar, age 42 years, trade and agriculture, res. LonavalaMaval Dist. Pune, appeared in person on 16/11/2017 at 12:00 p.m. I was driving alone in my Scorpio car number MH-14/PS-3393 from Lonavala to see my land at Jawan and took the Mumbai Pune Express Highway from opposite the closed Pavana Police Station to KarunjmargPavana Road and I came across

the closed Padhana Police Station. Prakash Porwal and Suraj Agarwal parked their car in front and there was an argument between them outside the car. Prakash Porwal grabbed Suraj Aggarwal's legs and they both fell down on the ground after a scuffle. Prakash Porwal knows that I am with Nitin Aggarwal. So I did not want to trouble myself in their fight without any reason, so I took a vehicle from Pawana police station and went to Javan without stopping there. After inspecting the land at Javan, I came back to Lonavala in the evening. Prakash Mesharimal Porwal Res. Lonavala in Sub Divisional Police Officer office dated 16/11/2017. 12:00 PM on Su | About 20 to 25 days ago I came to know that my Mahendra Scorpio car number MH-14/F5-3393 and my name were mentioned in the complaint of fight with Su Agarwal in front of Pavana police post on the side of Mumbai Pune Express Highway. So I have come myself. I have nothing to do with that fight. They are saying that.

The plaintiff Prakash MeshrimalPorwal aged 52 years has stated in the complaint that the name of the friend of the accused Suraj Vijay Agarwal is not known. In that regard, while giving supplementary answer before the plaintiff, his name is SulaimanMehbub Shaikh. BhairavanathnagarCocrete India Railway Sleeper Company Neighbor is said to be Lonavala. It has been investigated at and around the given address, but it has been found that there is no one of the name.

In the overall investigation of the said crime, it was found that on 16/11/2017 at 12:00 p.m. In KurunjRautWadi village limits on Mumbai Pune bound express roadway closed Pavana police post - open space in front Plaintiff Prakash MesharimalPorwal, age 50 years, Res. Shri EkviraNiwas Survey No. 24 Suraj Vijay Aggarwal, aged 36 years, and ChandanChandrakantNavkar, aged 28 years, both of Bhushi Pradhan Park Neighbor, Lonavla. LonavalaMaval District Pune, this Ford car no. MH-12/CD-3677 while

going to Pavana Nagar Kevre from Madhya Pradesh stopped to urinate at above place, the complainants Prakash Porwal and Suraj Aggarwal had land plot no. , because of the stalled transaction of land group no. 234 of 1 and 376, there was a verbal dispute and fight. And in an instant, both of them fell down on the ground, in which the plaintiff was hit on the left hand and got simple scratches on the neck below the left ear. However, the complainant Prakash MeshrimalPorwal aged 50 years, in Kamshet Police Station (1) Suraj Vijay Agarwal aged 36 years, (2) Suraj's friend name not known (3) NitinVishwanath Agarwal, aged 52 years, (4) Nitin Agarwal. The full name of the driver Sefi is not known. All Res. A cognizable complaint has been given by giving false and substantial information in order to involve them in a cognizable crime by giving such names as LonavlaTalukaMaval District Pune. of the said crime. After the investigation, it has been concluded that the **Said Crime is Non – Cognizable**•

However, after the Investigation it become clear that the said crime is Non Cognizable of the crime C.R.P.C 173(3) 4 as per "N.C." final due Judicial Submission .

17. Refer Notice served: Yes/No. Date:

16.2.2018

(Acknowledgement to be placed)

18. Despatched on

No of enclosures

20. List of enclosures: As Annexed

<p>Signature of Investigating officer Forwarded by Officer in charge</p> <p>Name:</p>	<p>Submitting/Final Report/ Charge Sheet</p> <p>Name: D.D. Shivthare</p> <p>Sub Divisional Police Officer</p> <p>Lonawala Division, Lonawala</p>
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True Copy

संदेश शिर्के, उपविभागीय अधिकारी, मावळ-मुळशी उपविभाग, पुणे यांचे न्यायालयात  
निकालाची समज जमिन/कावि/८०१/२०२२

प्रकाश मिश्रीलाल पोरवाल  
रा. श्री. एकविरा निवास, स. नं. २४,  
मौजे भुशी - प्रधान पार्क शेजारी, लोणावळा  
ता. मावळ, जि. पुणे

विरुद्ध

अर्जदार

१. ईशानितीन आगरवाल
२. ईशानितीन आगरवाल
३. पुष्पा विश्वनाथ आगरवाल
४. विश्वनाथ माळीराम आगरवाल
५. नितीन विश्वनाथ आगरवाल एच. यु. एफ कर्ता नितीन विश्वनाथ आगरवाल  
सर्व रा. कुकरेजा बिल्डींग, बाजारपेठ, लोणावळा,  
ता. मावळ, जि. पुणे

जाबदार

प्रस्तुत प्रकरणी सुनावणी अंती खालील प्रमाणे आदेश पारीत करणेत आलेला आहे.

आदेश

१. निकालपत्रात नमूद कारणास्तव सध्याचे प्रकरणातील जाबदार हे महाराष्ट्र शेतजमीन (जमीन धारणेची कमाल मर्यादा) अधिनियम, १९६१ च्या तरतूदीनुसार कमाल मर्यादेपेक्षा अधिक क्षेत्र धारण करीत नसल्याने तक्रारी अर्जदार यांचे तक्रारीचे अनुषंगाने सुरु करण्यात आलेली चौकशी बंद करण्यात येते.
२. सदर निर्णय सर्व संबंधितांना कळविण्यात यावा.

ठिकाण :- पुणे

दिनांक :- २८/१५/२०२२



(संदेश शिर्के)

उपविभागीय अधिकारी  
मावळ-मुळशी, उपविभाग पुणे

**In the court of Sandesh Shirke, Sub Divisional Officer,  
Maval-Mulshi Sub Division, Pune**

Understanding the result

Land/Kavi/801/2022

Prakash Misrilal Porwal

Res. Shri. Ekvira Niwas, S. No. 24,

Near Mauje Bhushi Pradhan Park, Lonavala

Tal. Maval, Dist. Pune

Applicant

against

1. Isha Nitin Agarwal
2. Ish Nitin Agarwal
3. Pushpa Vishwanath Agarwal
4. Vishwanath Maliram Agarwal
5. Nitin Vishwanath Aggarwal H. U. F

Karta Nitin Vishwanath Aggarwal

All Res. Kukreja Building, Market, Lonavala,

Tal. Maval, Dist. Pune

Respondent

The following order has been passed at the end of the hearing in the present case.

**ORDER**

1. As stated in the judgment letter, as the Respondent in the present case is not holding more than the maximum area as per the provisions of the Maharashtra Agricultural Land (Maximum Limitation of Land Holding) Act, 1962, the inquiry initiated pursuant to the complaint of the complainant is closed.
2. The said decision should be communicated to all concerned.

Place: Pune

Dt.29.12.2022

(SandeshShirke)  
Sub Divisioin Officer  
Maval-Mulshi Sub Division,  
Pune



True Copy

## Annexure R-3

**N.C.R****NON COGNIZABLE OFFENCE INFORMATION REPORT**

In respect of Non Cognizable Offence

(Under Section 155 Cr.P.C)

**एन.सी.आर**

असंज्ञेय अपराध की सूचना रिपोर्ट  
असंज्ञेय अपराध के संदर्भ में  
(अंतर्गत धारा 155 द.प्र.सं.)

PS लोणावळा शहर District पुणे ग्रामीण NCR No(असंज्ञेय अपराध प्रतिवेदन) 0769/2022 Date 21/12/2022

## 1. Acts &amp; Sections of law (कानून के अधिनियम एवं धाराएँ)

S.No.(क्र.)	Act(s)(अधिनियम)	Sections(धारा(एँ))
1	भारतीय दंड संहिता १८६०	४९९
2	भारतीय दंड संहिता १८६०	५००

## 2. Place of occurrence(घटनास्थळ) :

(a Information Received at P.S(पोलीस ठाण्याला माहिती

Date (दिनांक) 20/12/2022

Time (वेळ) : 23:30 बजे

(b General Diary Reference(ठाणे दैनंदिनी संदर्भ)

G.D. No. (ठाणे दैनंदिनी) 003

G.D. Time (ठाणे दैनंदिनी) 00:35 बजे

(c Occurrence Date (घटनेची) 06/12/2022

Time(वेळ): 18:00 बजे

Time Range(वेळ)

(d Place(ठिकाण):

## 3. Name &amp; Residence of Complainant (तक्रारदाराचे नांव व

Name किरीट सोमप्या माजी खासदार

S.No.(अ.क्र.) Address Type (पत्त्याचा प्रकार) Address (पत्ता)

1	मुंबई, वृहन्मुंबई शहर, महाराष्ट्र	, भारत
2	मुंबई, वृहन्मुंबई शहर, महाराष्ट्र	, भारत

## 4. Name , Father's Name , Age &amp; Residence of Accused/Suspect (आरोपी/संशयिताचे नांव, वडिलचे नांव, वय व राहण्याचे ठिकाण):

a) Name प्रकाश मिसरीलाल पोरवाल

b) Father's name(पिता का

नाम):

c) Age (वय) : From

To(पर्यंत):

d) Residence (राहण्याचे

S.No.(अ.क्र.) Address Type (पत्ता का प्रकार) Address (पत्ता)

1	एकविरा निवास भुशी गाव, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र	, भारत
2	एकविरा निवास भुशी गाव, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र	, भारत

## 5. NCR Contents (अदखलपात्र अहवालाचा मजकूर)

अदखलपात्र अहवाल रजिस्टर नं. 770/2022 भा.द.वि.का.क. 499,500 फियार्दी किरीट सोमप्या माजी खासदारबीरोधक प्रकाश मिसरीलाल पोरवाल या एकविरा निवास भुशी गाव ता.मावळ जि.पुणे मु.घ.ता.वे.दि.दिनांक दिनांक 06/12/2022 रोजी सकाळी 18.00 वा.चे सुमारास सामाजिक माध्यमावरतीहकीगत बाजुस नमुद केले ता.वेळी व ठिकाणी यातील विरोधक मजकूर यांनी फियार्दी यांचे सोबतचा एक फोटो सामाजिक माध्यमावर प्रसारीत करून त्यावर मावळ तालुक्यातील लॅडमाफिया युसुफ लकडावाला यांच्या हस्तक श्री नितीन दिशनाथ अग्रवाल बेकायदेशीर गौण खनिज उत्खननाबाबत माजी खासदार श्री किरीट सोमप्या साहेब यांच्या सोबत त्यांच्या निवासस्थानी घर्षा झाली आणि सदर प्रकरणांमध्ये संपूर्ण माहिती घेवून ते पुढील कारवाई करणार आहे असे अश्वसन दिले आहे. आशा आशयाचा मजकूर प्रसारीत केल्याने व नितीन अग्रवाल यांचे युसुफ लकडावाला यांचेशी कोणत्याही प्रकारचा संबंध असल्याचा पुरावा नसताना फियार्दी यांचे सोबतचा फोटो सामाजिक माध्यमावर प्रसारीत करून फियार्दी व नितीन अग्रवाल यांची अहनुकसानी होईल असे कृत्य केले आहे. अशा मजकुराचे लोणावळा शहर पोलीस स्टेशन तक्रारी अर्ज नंबर 1832/2022, 181/2022, 1831, 2022 व 1818/2022 प्राप्त झाल्याने दाखल.

6. Particulars of properties involved (Attach separate sheet, if necessary) (समाविष्ट मालमत्तेचा तपशील(आवश्यकता असल्यास स्वतंत्र

S.No.(अ.क्र.)	Property Type(मालमत्तेचा)	Property Description (मालमत्तेचे वर्णन)
---------------	---------------------------	---

7. Name and full address of witnesses, if described in contents of NCR (साक्षीदारचे पूर्ण नाव व पत्ता, अदखलपात्र अहवालाच्या मजकुरामध्ये वर्णन केले असल्यास) :

S.No.(अ.क्र.)	Name(नाव)	Address(पत्ता)
---------------	-----------	----------------

8. R.O.A.C(वाचून दाखवले सांगितल्या प्रमाणे बरोबर लिहीले

9. Informant is advised to seek help in concerned court(माहिती देणाऱ्याला न्यायालयात दाद मागण्याची समजू देण्यात

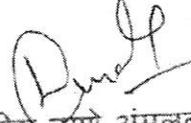
Signature/Thumb Impression of the complainant/Informant (सक्रारदार/माहिती देणाऱ्याची सही/निशाणी अंमदा) :

Signature of Officer(अधिकार्याची सही)

Name(नाव)Sitaram laxman dubai

Rank(पद) I (Inspector)

No.(सन्दिंस 1000

  
पोलीस ठाणे अंमलदार  
मोणावळा शहर पोलीस स्टेशन

(UNDER SECTION 154 CR. P.C.)

N.C.R.

INFORMATION REPORT OF NON – COGNIZABLE OFFENSE  
 IN THE CONTEXT OF NON-COGNIZABLE OFFENSE (UNDER  
 SECTION 155 OF THE IPC)

1.	State	Dist		Year	FIR No.	Date
	LONAWA L A City	Pune Gramin	N.C.R.No.	0769/20 22		
2.		Sr No.	Acts	Sections		
		1	IPC 1860	499		
		2	IPC 1860	500		
3.		(a)	Occurrence of Offence			
		(b)	Information received as P.S.	20.12.2022		23. 30
		(c)	General Diary Reference Entry No. 046	003		00. 35
4.			Occurrence date	06.12.2022 at 18.00		
5			Residence of the	KiritSomaiyya,		Former

			complainants	Member of Parliament
			Address Type	
		1.	Bruhanmumbai, Maharashtra Indian	
6.			Father's Name, age and residence of accused	Prakash NisarimalPorwal
			From	To
7.	Address Type		EkviraNiwas, BhushiGaon, Lonawala City, Pune Gramin, Maharashtra, India	
			EkviraNiwas, BhushiGaon, Lonawala City, Pune Gramin, Maharashtra, India	

Report Register No. 770/2022 IPC Section. 499,500 Plaintiff  
Kirit Sompaya Former MP Opposition Reelal Porwal Ra  
Ekvira Niwas BhushiGaon Tal. Maval Dist .Pune Dated on  
06/12/2022 at .00 hrs. At the time and place, a photo of the  
opposing text was circulated on the social media, and Mr.  
Nitin Vishwanath Agarwal, the master of land mafia Yusuf of  
Maval taluka, had a discussion with former MP Mr. KiroDev  
at his residence regarding illegal secondary mineral mining.  
It has been assured that further action will be taken after

taking complete information in the said cases. It is alleged that the publication of Asha Ashaya's text and without any proof that Nitin Aggarwal's car is related to Yusuf Lakdawala, the picture of the plaintiff with him on social media will cause harm to the plaintiff Lonavala City Police Station Complaint Application No. 22,181/2022,1831, 2022 and 1818/2022 of such content filed.

8.	It is advised to seek help in concerned court
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Thumb Impression of the ant/Informant

Signature of Officer,

Name : Sitaram Laxman Dubai

Rank : Inspector

No. 1000

संदेश शिके उपविभागीय अधिकारी, मावळ-मुळशी उपविभाग पुणे यांचे न्यायालयात  
आरटीएस/अ/४८३/२०२०

१. अखिल अशोक अगरवाल

रा. हनुमान वाटीका, प्रधान पार्क जवळ

वर्धमान सोसा., लोणावळा

ता. मावळ, जि. पुणे

... वादी

विरुद्ध

१. तहसिलदार, मावळ

२. कामगार तलाठी कुसगाव बु.

३. शंकर रामचंद्र अर्थमुव्हर्स प्रा. लि.

तर्फे श्री. अविनाश ढमढेरे

पत्ता. भांगरवाडी, लोणावळा, ता. मावळ, जि. पुणे

... प्रतिवादी

महाराष्ट्र जमिन महसूल अधिनियम १९६६ चे कलम २४७ अन्वये अपिल.

दावा जमिनीचा तपशिल:

गावाचे नाव	स.नं./ ग.नं.	तपशिल
कुसगाव बु. ता. मावळ	२३५	गौणखनिज / एस आर / १७८ / २०२०

निकालपत्र

राकची माहिती, गाहितीचा अधिपार  
अधिपियम २००५ नुसार अर्जाप्रमाणे

अपिलार्थी यांनी दावा जमिनीतून अनाधिकृतपणे ३४८६ ब्रास गौणखनिजाचे उत्खनन केल्याने तहसिलदार मावळ यांनी त्याबाबत अपिलार्थी

यांना दि. १०/०२/२०२० अन्वये रितसर नोटिस दिलेली आहे. तदनंतर अपिलार्थी यांनी ३४८६ ब्रास गौणखनिजाचे उत्खनन केल्याचे नमुद करून महाराष्ट्र जमिन महसूल अधिनियम १९६६ चे कलम ४८(७) अन्वये पाच पट दंड रकम रुपये ६९,७२,०००/- व अधिकार शुल्क (रॉयल्टी) रकम रु. १३,९४,४००/- अशी एकुण रु ८३,६६,४००/- ही रकम १५ दिवसाचे आत शासकीय खजिन्यात जमा करावी अन्यथा मुदतीत रकम जमा न केल्यास महसुलाची थकबाकी म्हणून उपरोक्त अधिनियमाचे कलम १७६ मध्ये नमुद केलेल्या तरतुदीनुसार सक्तीच्या मार्गाने वसूल करण्यात येईल असा आदेश तहसिलदार मावळ यांनी क्र. गौण/एसआर/१७८/२०२० दि. १४/०४/२०२० रोजी दिलेला आहे. सदर निर्णयावर व्यथित होवुन अपिलार्थी यांनी प्रस्तुतचा अपिल अर्ज दाखल केले आहे.

प्रस्तुत अपिल अर्जाकामी अपिलार्थी व प्रतिवादी यांना नोटिसा काढुन म्हणणे मांडण्यास संधी देण्यात आली आहे. सुनावणी तारखेदिवशी अपिलार्थी यांचे विधिज्ञ यांचा



तोंडी युक्तीवाद एकुन घेवुन व अपिल अर्जांमध्ये गुनावणी कामी दिलेल्या सर्धीचा विचार करुन अपिल निर्णयासाठी राखीव ठेवण्यात आले असुन त्यामध्ये गुणवत्तेवर निर्णय घेण्यात येत आहे.

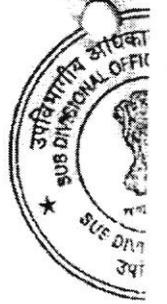
तहसिलदार मावळ यांनी त्यांचेकडील जावक क्र.गौणखनिज/कावि/१७८/२०२० दि.३१/०७/२०२० अन्वये अपिलार्थी यांनी अनाधिकृत उत्खनन केलेले नसून सदचे उत्खनन कु.रमेश कुमार वजीर यांचेमार्फत श्री.अविनाश ढमढेरे यांनी केलेले आहे.

अपिल अर्ज व त्यासोबतची कागदपत्रे, अपिलार्थी यांचे विधिज्ञ यांचा तोंडी युक्तीवाद तसेच तहसिलदार मावळ यांचेकडील दि.३१/७/२०२० रोजीचे पत्र विचारात घेता असे दिसुन येते की,

गाव मौजे कुसगांव बु., ता.मावळ जि.पुणे येथील स.नं./ग.नं. २३५ या मिळकतीमध्ये अनाधिकृत उत्खनन केलेबाबत दंडासह स्वामीत्वधन रक्कम रु. ८३,६६,४००/- भरणा करणेबाबत तहसिलदार, मावळ यांनी त्यांचेकडील आदेश क्र.गौण/एमआर/१७८/२०२० दि.१४/०४/२०२० अन्वये आदेशीत केलेले आहे. तरी अपिलार्थी यांनी अनाधिकृत उत्खनन केलेबाबत आदेशाविरुद्ध प्रस्तुतचे अपिल दाखल केलेले आहे.

सदरील माहिती, माहितीचा अधिकार अधिनियम २००५ अन्वये अपिलार्थी यांनी सदर प्रकरणी नमूद केलेनुसार स.नं./ग.नं. २३५ या मिळकतीमधील ००हे.६२.५० आर क्षेत्र ही मिळकत त्यांचे मालकीची असून उर्वरित १०हे.६२.५० आर क्षेत्र हे कुमारी रमेश कुमारी वजीर यांचे मालकीचे आहे. प्रतिवादी क्र.३ यांनी तहसिलदार मावळ यांचेकडून दावा मिळकतीमधील उत्खनन करणेकामी दि.७/१२/२०१९ रोजी परवानगी मागीतलेली असून तहसिलदार मावळ यांनी त्यांचेकडील आदेश क्र.गौण/एसआर/८३/२०१९ दि.२०/१२/२०१९ अन्वये ५०० ब्रास तसेच तहसिलदार यांचेकडील आदेश क्र.गौण/एसआर/१४/२०२० दि.२२/०१/२०२० अन्वये ५०० ब्रास मुळम उत्खनन करण्याची परवानगी दिलेली आहे.

जावदेणार क्र.३ यांनी लोणावळा नगरपरिषदेकरिता भारत साँ मील ते हनुमान टेकडी पर्यंतचा रस्ता तसेच हनुमान टेकडी ते कुसगाव हद्दीपर्यंतचा रस्ता असे दोन रस्त्याचे काम घेतलेले असून त्याकरिता सदर मुळम वापरलेला आहे. भारत साँ मील ते हनुमान टेकडी पर्यंतचा रस्ता याकामापोटी लोणावळा नगरपरिषदेकडून प्रतिवादी क्र.३ यांना दि.२१/०१/२०२१ रोजी वील मंजूर झालेले असून त्या बिलामध्ये रक्कम रु. ६,१४,७७४/- रॉयल्टीची कपात केलेली आहे. तसेच हनुमान टेकडी ते कुसगाव हद्दीपर्यंतचा रस्ता या कामा पोटीदि.२१/०१/२०२१ रोजी वील मंजूर झालेले असून त्या बिलामध्ये रक्कम रु. ६,२२,९२८/-रॉयल्टीची कपात केलेली आहे. दि.२८/०२/२०२० रोजी सदची रक्कम



नगरपालिकेमार्फत तहसिलदार मावळ यांना दि.२८/२/२०२० रोजी चलनाद्वारे मिळालेली आहे. जावदेणार यांनी १००० ब्रास उत्खनन केलेले असून पुढील उत्खननासाठी लोणावळा नगरपरिषदेने तहसिलदार मावळ यांना रॉयल्टी पोटी एकूण रकम रु.१२,३७,७०२/- ही चलनाद्वारे दिलेली आहे. अशा प्रकारे तहसिलदार मावळ यांना रकम रु. १७,०३,९०२/- ही रॉयल्टी पोटी मिळालेली आहे. त्यापैकी ३४६८/- ब्रास उत्खननाकरिता होणारी रॉयल्टीची रकम रु.१३,९४,४००/- वजा जाता उर्वरित रकम रु.३,०९,५०५/-ही तहसिलदार मावळ यांचेकडे उत्खननापोटी जमा आहे. असे असतानाही तहसिलदार मावळ यांनी दंडात्मक आदेश पारीत केलेला आहे.

महाराष्ट्र शासनाच्या अधिसूचना क्र. गौणखनिज १०/०४१६ प्र. क्र. ३०२/ख दि. १४/०६/२०१७ च्या नुसार जर कंत्राटदार हे शासनाच्या रत्याचे काम करत असल्यास आणि त्यांनी नोटीस बजावल्याच्या ३० दिवसाच्या आत स्वामित्वधन भरलेले असल्यास त्यावर कुठलीही दंडात्मक कारवाई करण्यात येवू नये असे आदेश दिलेले आहे.

त्याअनुषंगाने अवलोकन केले असता, प्रतिवादी क्र.३ यांनी उत्खननापोटी तहसिलदार मावळ यांना रॉयल्टी म्हणून रकम आदेशापूर्वीच दिलेली असल्यामुळे तहसिलदार मावळ यांनी त्यांचेकडील आदेश क्र.गौण/एसआर/१७८/२०२० दि.१४/०४/२०२० अन्वये उत्खननापोटी पारीत केलेला दंडाचा आदेश हा सकृतदर्शनीच सदोष असून सदरचा आदेश रद्द करणे योग्य ठरेल अशा निष्कर्षाप्रत मी आलेलो असलेने मी उपविभागीय अधिकारी मावळ-मुळशी, उपविभाग पुणे खालीलप्रमाणे आदेश देत आहे.

#### आदेश

१) अपिल मंजूर करणेत येत आहे.

२) तहसिलदार मावळ यांनी क्र.गौण/एसआर/१७८/२०२० मध्ये दि. १४/०४/२०२० रोजी दिलेला आदेश रद्द करणेत येत आहे.

३) सदर आदेशाची लेखी समज सर्व संबंधितांना देणेत यावी.

पुणे

दि. ७/१/२०२१



सबश्वी माहिती, माहितीचा अधिकार अधिनियम २००५ नुसार अर्जाप्रमाणे उपलब्ध करून देणेत आली आहे.

(संदेश शिर्के)

उपविभागीय अधिकारी  
मावळ-मुळशी उपविभाग पुणे

प्रत : तहसिलदार मावळ यांचेकडे माहितीसाठी व पुढील कार्यवाहीसाठी रवाना.

संस्कृत विश्वविद्यालय, दिल्ली  
शास्त्राध्यक्ष, संस्कृत विभाग, दिल्ली  
संस्कृत विश्वविद्यालय, दिल्ली

**IN THE COURT OF SANDESH SHIRKE SUB**  
**DIVISIONAL OFFICER, MAVAL-MULSHI SUB DIVISION**  
**PUNE**

RTS/A/483/2020

1. Akhil Ashok Aggarwal

Res. Hanuman Watika, Near Pradhan Park

Vardhaman Sosa., Lonavala

Tal.Maval, Dist. Pune

Complainant

VS

1. Tehsildar, Maval

2. Worker TalathiKusgaon Bu.

3. Shankar Ramchandra Earthmovers Pvt. Ltd.

Mr. AvinashDhamdhere

addressBhangarwadi, Lonavala, Maval, Dist. Pune

Respondent

**Appeal under Section 247 of the Maharashtra Land**

**Revenue Act, 1966.**

**DETAILS OF CLAIM LAND**

Name of village	S.N./G.N.	Detail
Kusgaon, Tal. Maval	235	Secondary Minerals/ SR/ 178/2020

### **JUDGMENT**

TehsildarMaval has duly issued a notice to the appellant on 10/02/2020 as the appellant has illegally mined 3486 of secondary minerals from the claimed land without permission. After that, the appellant was fined Rs. 69,72,000/- and the right amount (royalty) was such total amount of Rs.83,66,400/- should be deposited in the government treasury within 15 days, otherwise, if the amount is not deposited within the time limit, as arrears of revenue, it will be recovered through compulsory means as per the provisions mentioned in section 176 of the above Act. Order of TehsildarMaval no. Secondary / SR/ 178/2020 dt. Given on 14/04/2020. Aggrieved by

the said decision, the appellant has filed the present appeal.

An opportunity has been given to the appellant and the respondent who have filed the present appeal by issuing notices. Counsel for the appellant on the date of hearing the oral arguments and considering the opportunity provided for hearing in the appeal application, the appeal is reserved for decision and is being decided on merits.

According to Tehsildar Maval issued his outgoing no. Secondary Minerals/Kavi/178/2020 dated 31/07/2020, the appellant has not carried out any unauthorized mining but the said mining Through Ramesh Kumar Bajeer Shri. Done by Avinash Dhamdhere.

The appeal application and accompanying documents, the oral argument of the appellant's lawyer

and the letter from TehsildarMaval. Considering the letter dated 31/7/2020 it appears that,

GaonMaujeKusgaon Bu., Tal. Maval Dist.PuneS.No./G.No. 235 Ordered vide Order no. SM/SR/178/2020 dated 14/04/2020. However, the present appeal has been filed against the border order under Section 204 of the Information Act.

As stated by the appellant in the said case S.No./G.No. 235 out of property 00.62.50 R area belongs to him and remaining area belongs to Kumari Ramesh KumariWazir. Respondent no. 3 Permission has been sought from Tal.Maval to carry out excavation in the claim area on 20/12/2019 and TehsildarMaval has asked him for permission.

Kusgaon Bu., Tal. MavalDist.Pune. S.No./G.No. 235 in respect of unauthorized mining in this income with penalty amounting to Rs. 83,66,400/- regarding payment of Tehsildar, Maval vide his order No.

SM/SR/178/2020 dt. 14/04/2020. However, the present appeal has been filed against the order of the Member Information.

He said that as mentioned by the appellant in the said case S.No./G.No. 235 come 00.62.50 R area in Milsi belongs to him and the rest belongs to Kumari Ramesh Kumari Wazir. Respondent no. 3 Permission has been sought from Liver Naval to carry out excavation in the claim area on 7/12/2019 and Tehsildar Maval issued his order No. Secondary Minerals/SR/83/2019, dt. 20/12/2019 from Tehsildar Order No. Secondary Minerals/ SR/14/2020 dt. 22/01/2020 another 500 Brass Murums have been granted permission to mine.

Respondent no. 3 has taken up two roads for the Lonavla Municipal Council i.e. the road from Bharat Saw Mill to Hanuman tekdi and the road from Hanuman tekdi to Kusgaon boundary and the said Murum has been used for that. The road from Bharat Saw Mile to

Hanuman Hill has been approved by the respondent no.3 on 21/09/2021 bill from Lonavala Municipal Council and the royalty has been deducted 6,14,774/-. Also, the road from Hanuman hill to Kusgaon border is under construction. Bill has been approved on 21/01/2011 and in that bill 6,22,128/- has been deducted as royalty on 28/02/2020TahsildarMaval through municipality, receipt received on 28/2/2020. Respondent has excavated 1000 brasses and for further excavation, Lonavla Municipal Council has given TehsildarMaval a total amount of Rs. 12,37,702/- is paid by currency. Thus, TehsildarMaval received an amount of Rs. 17,03,202/- has been received as royalty Rs. 3468/- out of which royalty amount for brass mining is Rs. 13,94,400/- after deducting the remaining amount of Rs. 3,09,505/- is deposited with TehsildarMaval for excavation. Despite this, TehsildarMaval has passed a penal order.

Government of Maharashtra Notification No. Minor Minerals 10/0416 P. No. 302/B dt. 14/06/2017, no penal action shall be taken against the contractor if he is doing the work of the Government and if he has paid the dues within 30 days of the notice.

Accordingly, as the respondent No. 3 had already paid the amount as royalty to TehsildarMaval for excavation before the order, TehsildarMaval passed his order no. Secondary / SR/ 178/2020 dated 14/04/2020 - As I have come to the conclusion that the order of penalty passed for mining is prima facie defective and it is appropriate to cancel the said order, I am giving the following order to the Principal Sub-Divisional Officer Maval, Sub-Division Pune.

**ORDER**

- 1) The appeal is allowed.

- 2) Tehsildar Maval no. Minor Minerals/ SR/178/2020  
dt. 14/04/2020, the order given on is being  
cancelled.
- 3) A written understanding of the said order should be  
given to all concerned.

Pune

dt. 7/1/2021

(SandeshShirke)

Sub Division Officer

Maval-Mulshi Sub Division, Pune

Copy: Tehsildar Maval for information and further action.



True Copy

## Annexure R-5

MHPU260023522021

Cri.M.A. No. 406/2021

MHPU260023522021



Pearl Harmian Demelo @ Pearl ... Complainant,  
Rahul Panchai  
Through P.O.A. Akhil Ashok  
Agarwal.

Versus

Prakash Mishrimal Porwal ... Accused.

**Order Below Exh. 1. in Cri.M.A. No.406/2021.**

Perused the complaint and documents filed alongwith the complaint. Heard Learned Advocate Shri P.B.Bhutada for the complainant. The offences alleged are cognizable. The complainant submitted that, her father Herman Demelo has purchased the land at Mauje Tung, Tal. Maval, Dist. Pune Gat No. 234/1 admeasuring 02 H. 04 R old Gat No. 234 admeasuring area 03 H 06 R from No.1. Ganapati Janku Kumbhar, No.2. Kisan Janku Kumbhar and No.3 Vishnu Janku Kumbhar through sale deed dated 06/05/1988 vide document No.395/1988. It is submitted that, her father died on 15/07/1991, thereafter, name of the complainant and her mother was recorded on the document of the said land as a legal heirs. The accused Prakash Mishrimal Porwal fraudulently executed power of attorney in the name of complainant vide document No.7354/2006, dated 30/10/2006 by mentioning the complaint as minor. But on that day complainant was major. By preparing fraud power of attorney the accused executed sale deed dated 04/06/2008 vide document No.3011/2011. The complainant has not received any consideration amount for that purpose. The complainant submitted that the accused prepared false document. The accused threatened the complainant. The complainant filed report in the police station. However, police did not take action. Hence, she has filed present complaint. Therefore, she has prayed order of investigation u/s 156 (3) of Cr.P.C. The complaint has been supported with affidavit of complainant.

2. The allegations made by the complaint discloses serious allegations against the accused. The present complaint is filed u/s 420, 406, 504, 506 of IPC. The complainant has filed various documents in respect of the said compliant.

The complainant has relied on the following case laws:-

1. *Suresh Chand Jain Vs. State of M.P. (SC) 2001(1)BCr C567.*
2. *Gurusharan Singh Vs. State of Maharashtra 2020 BHCCO 343.*
3. *Lalit Kumar Vs. State of UP(SC) Cri. L.J.(Bom) 470.*

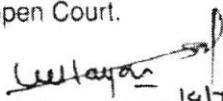
3. In the above mentioned case laws the Hon'ble Supreme Court and the Hon'ble Bombay High Court stated that, any Judicial Magistrate before taking cognizance of the offence can order investigation under section 156(3) of the Cr.P.C. For the purpose of enabling the police to start investigation, it is open to the Magistrate to direct the police to register an F.I.R.

4. Considering the nature of offences and averments made in the complaint and documents filed on record, I am of the opinion that, in this case detailed investigation is necessary through the Police machinery. Hence, it is just and proper to sent the complaint for the investigation under section 156(3) of the Cr.P.C.. Hence, I pass the following order.

**ORDER**

1. Complaint be sent for investigation under section 156(3) of the Cr.P.C. to the Police Inspector of Lonavala City Police Station.
2. Order Pronounced in open Court.

Date: 14.07.2021  
Vadgaon Maval

  
(C.R. Umredkar) 14/7/2021  
Judicial Magistrate First Class,  
Vadgaon Maval, Dist: Pune

Order Below Exh. 1. in Cri.M.A. No.406/2021.

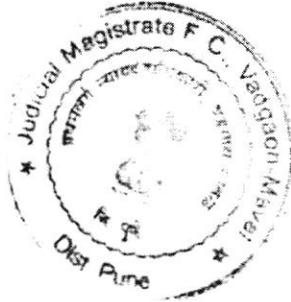
The complaint has been sent for investigation under section 156(3) of Code of Criminal Procedure. In view of the judgment of Hon'ble Apex Court, in the case of Madhubala Vs. Suresh Kumar, reported In AIR 1997 Supreme Court, 3104, it is not necessary to keep the proceeding pending. Hence, the proceeding stands disposed of.

Date: 14.07.2021  
Vadgaon Maval

*(Signature)*  
14/7/2021  
(C.R. Umredkar)  
Judicial Magistrate First Class,  
Vadgaon Maval, Dist: Pune

नक्कल करणार.  
रजु करणार:-

*(Signature)*



खरी नक्कल

*(Signature)*  
महाकले अधिकार  
दियाणी व फौजदारी न्यायालय  
वडगाव मावल, जि.पुणे

16 JUL 2021

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)

प्रथम खबर अहवाल

(फौजदारी प्रक्रिया संहिताच्या कलम १५४  
अन्वये)

1. District (जिल्हा): पुणे ग्रामीण P.S.(पोलीस ठाणे): लोणावळा Year (वर्ष): 2021  
शहर  
FIR No. (प्रथम खबर क्र.): 0081 Date and Time of FIR (प्र. ख. दिनांक आणि वेळ):  
01/08/2021 00:00 वाजता

S.No. (अ.क्र.)	Acts (अधिनियम)	Sections (कलम)
1	भारतीय दंड संहिता १८६०	३४
2	भारतीय दंड संहिता १८६०	४०६
3	भारतीय दंड संहिता १८६०	४२०
4	भारतीय दंड संहिता १८६०	५०४
5	भारतीय दंड संहिता १८६०	506(2)

3. (a) Occurrence of offence (गुन्ह्याची घटना):

1 Day (दिवस): मधले दिवस	Date from (दिनांक पासून): 30/10/2006	Date To (दिनांक पर्यंत): 13/08/2009
Time Period (कालावधी):	Time From (वेळेपासून): 00:00 तास	Time To (वेळेपर्यंत): 00:00 तास

(b) Information received at P.S. (पोलीस ठाण्यावर माहिती मिळाल्याचा):	Date (दिनांक): 01/08/2021	Time (वेळ): 00:00 तास
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(c) General Diary Reference (ठाणे दैनंदिनी संदर्भ):	Entry No. (नोंद क्र.): 017	Date and Time (दिनांक आणि वेळ): 01/08/2021 21:25 तास
--	-------------------------------	---

4. Type of Information (माहितीचा प्रकार): लेखी

5. Place of Occurrence (घटनास्थळ):

1. (a) Direction and distance from P.S. (पोलीस ठाण्या पासून दिशा  
आणि अंतर): पश्चिम, 1 कि.मी. Beat No. (बीट क्र.):

## I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

(b) Address (पत्ता): लोणावळा.

(c) In case, outside the limit of this Police Station, then Name of P.S. (पोलीस ठाण्याच्या हद्दी बाहेर असल्यास, पोलीस ठाण्याचे नाव): लोणावळा शहर

District (State) (जिल्हा (राज्य)): पुणे ग्रामीण (महाराष्ट्र)

## 6. Complainant / Informant (तक्रारदार / माहिती देणारा):

(a) Name (नाव): पर्ल हरमन डिमेलो अर्फ राहुल पा

(b) Father's/Husband's Name (वडिलांचे/पतीचे नाव):

(c) Date/Year of Birth (जन्मतारीख / वर्ष): 1987 (d) Nationality (राष्ट्र ट्रीयट व): भारत

(e) UID No. (यु.आय.डी. क्र.):

(f) Passport No. (पारपत्र क्र.):

Date of Issue (दिल्याची तारीख): Place of Issue (दिल्याचे ठिकाण):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (ओळखपत्र विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (अ.क्र.) ID Type (ओळखपत्राचा प्रकार) ID Number (ओळखपत्र क्रमांक)

(h) Occupation (व्यवसाय): गृहिणी

(i) Address (पत्ता):

S.No. (अ.क्र.)	Address Type (पत्ता प्रकार)	Address (पत्ता)::
1	वर्तमान पत्ता	हनुमान वाटीका, प्रधान पार्क जव, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र, भारत
2	वर्तमान पत्ता	मौजे भुषी सव्हे नं 24, श्री, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र, भारत
3	वर्तमान पत्ता	लोणावळा, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र, भारत
4	स्थायी पत्ता	हनुमान वाटीका, प्रधान पार्क जव, लोणावळा शहर, पुणे ग्रामीण, महाराष्ट्र, भारत

(j)

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

Phone number (फोन नं.):

Mobile (मोबाइल क्र.): 0

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संशयित / अज्ञात आरोपींचे संपूर्ण तपशील):

Accused More Than (अज्ञात आरोपी एका पेक्षा जास्त असतील तर संख्या): 0

S. No. (अ.क्र.)	Name (नाव)	Alias (उर्फनाव)	Relative's Name (नातेवाईकाचे नाव)	Present Address(वर्तमान (पत्ता))
1	प्रकाश मिश्रीमल पोरवाल			1. Town/Village (शहर / गाव): मौजे भुषी सव्हे नं 24, श्री, Tehsil (तहसील): Police Station (पोलीस ठाणे): लोणावळा शहर, District (जिल्हा): पुणे ग्रामीण, State (राज्य): महाराष्ट्र, भारत 2. Town/Village (शहर / गाव): लोणावळा, Tehsil (तहसील): Police Station (पोलीस ठाणे): लोणावळा शहर, District (जिल्हा): पुणे ग्रामीण, State (राज्य): महाराष्ट्र, भारत 3. Town/Village (शहर / गाव): लोणावळा ता मावळ जि, Tehsil (तहसील): Police Station (पोलीस ठाणे): लोणावळा शहर, District (जिल्हा): पुणे ग्रामीण, State (राज्य): महाराष्ट्र, भारत

8. Reasons for delay in reporting by the complainant / informant ( तक्रारदार/माहिती देणा-याकडून तक्रार करण्यातील विलंबाची कारणे ):

9. Particulars of properties of interest (संबंधीत मालमत्तेचा तपशील):

N.C.R.B (एन.सी.आर.बी)

S. No. (अ.क्र.)	Property Category (मालमत्ता वर्ग)	Property Type (मालमत्ता प्रकार)	Description (विवरण)	Value(In Rs/-) मूल्य (रु. मध्ये)
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I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

10. Total value of property (In Rs/-) मालमतेचे एकूण मूल्य (रु. मध्ये) :
11. Inquest Report / U.D. case No., if any (मरणान्वेषण अहवाल/अकस्मात मृत्यू प्रकरण क्र. जर असल्यास):

S. No. UIDB Number (यु.आय.डी.बी.)  
(अ.क्र.)

12. First Information contents (प्रथम खबर हकिगत):

गुन्हा रजीस्टर नं.81/2021 भादविक. 420,406,504,506(2),34फिर्यादी- पर्ल हरमन डिमेलो अर्फ राहुल पांचाल वय 34 वर्षे रा. हनुमान वाटीका, प्रधान पार्क जवळ, वर्धमान सोसायटी, लोणावळा ता. मावळ जि. पुणे.आरोपी- प्रकाश मिश्रीमल पोरवाल वय 55 वर्षे रा. मौजे भुषी सव्हे नं. 24, श्री. एकविरा निवास, नौसेना बाग जवळ, लोणावळा ता. मावळ जि. पुणे.गुन्हा घडला ता.वेळ व ठिकाण:- दिनांक 30/10/2006 रोजी ते दिनांक 25/01/2010 रोजीचे दरम्यान कार्यालयीन वेळत दुयम निबंधक कार्यालय, लोणावळा व दुयम निबंधक कार्यालय, कुर्ला येथेहकीकत- यातील फिर्यादी यांनी मा. प्रथमवर्ग न्यायालय, वडगाव मावळ येथे फौजदारी किरकोळ अर्ज क्रमांक 406/2021 भा.द.वि.कलम 420, 406, 504, 506(2), 34 अन्वये आरोपी नामे प्रकाश मिश्रीमल पोरवाल वय 55 वर्षे रा. मौजे भुषी सव्हे नं. 24, श्री. एकविरा निवास, नौसेना बाग जवळ, लोणावळा ता. मावळ जि. पुणे याचेविरुद्ध सी.आर.पी.सी.कलम 156(3) प्रमाणे गुन्हा दाखल करणेसाठी आदेश होणेबाबत फौजदारी अर्ज केलेला असुन मा. प्रथमवर्ग न्यायालय, वडगाव मावळ यांचेकडील जावक क्र. 1125/2021 दिनांक 19/07/2021 अन्वये सदरचा फौजदारी किरकोळ अर्ज हा लोणावळा शहर पोलीस स्टेशन आवक क्रमांक 1399/2021 दिनांक 27/07/2021 अन्वये प्राप्त झालेला आहे. सदरचे अर्जातील फिर्यादी यांनी दिलेल्या फिर्यादीचा मजकुर खालील प्रमाणे-फिर्यादी यांचे वडील हरमन डिमेलो यांनी माजें तुंग ता. मावळ जि. पुणे येथील जमीन गट क्र. 234/1 क्षेत्र 02 हेक्टर 04 आर क्षेत्र हे दिनांक 06/05/1988 रोजी खरेदी दस्त क्रमांक 395/1988 अन्वये इसम नामे गणपत जानकु कुंभार, किसन जानकु कुंभार व विश्णु जानकु कुंभार यांचेकडून खरेदी केलेली आहे. फिर्यादी यांचे वडील हरमन डिमेलो हे दिनांक 15/07/1991 रोजी मयत झाल्यानंतर आरोपी प्रकाश पोरवाल याने दिनांक 30/10/2006 रोजी दुयम निबंधक कुर्ला येथे दस्त क्रमांक 7354/2006 अन्वये फिर्यादी यांचे आईकडून सदरचे जमीनीचे कुलमुखत्यार पत्र घेवून त्यामध्ये फिर्यादी यांचे वय कमी असल्याने त्यांना अज्ञात पालक दाखविले होते. परंतु सदरचे कुलमुखत्यार पत्र करते वेळी फिर्यादी यांचे वय हे 19 वर्षे 9 महिने इतके होते. सदरचे कुलमुखत्यार पत्राचे अधारे आरोपी प्रकाश पोरवाल याने दिनांक 04/06/2008 रोजी दुयम निबंधक लोणावळा येथे खरेदी दस्त क्र 3011/2008 ने सदर मिळकत गट क्रमांक 234 पैकी 02 हेक्टर 04 आर हे क्षेत्र बेकायदेशीर पणे स्वतःचे नावे करून घेतले व

## I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

सदरचे क्षेत्रा पैकी 00 हेक्टर 64 आर क्षेत्र हे दिनांक 10/08/2008 रोजी दुयम निबंध कार्यालय, लोणावळा येथे खरेदी दस्त क्रमांक 2122/2009 अन्वये श्री. विजय किसनलाल आगरवाल यांस विक्री केले. तसेच दिनांक 10/08/2009 रोजी सदर मिळकती पैकी 00 हेक्टर 40 आर. क्षेत्र हे दुयम निबंधक कार्यालय लोणावळा येथे खरेदी दस्त क्रमांक 2123/2009 अन्वये इसम नाम निलेश विष्वनाथ अगरवाल यांना विकले आहे. तसेच दिनांक 10/08/2009 रोजी सदर मिळकती पैकी 01 हेक्टर क्षेत्र हे दुयम निबंधक कार्यालय लोणावळा येथे खरेदी दस्त क्रमांक 2125/2009 अन्वये सौ. पुशपा विजय अगरवाल यांना मालमता विनिमय दस्ताने विक्री केले आहे. आरोपीने श्री. निलेश आगरवाल, विजय आगरवाल व पुशपा आगरवाल यांना विकलेली फिर्यादी यांची जमीन ही त्यांनी पुन्हा रितीज करून आरोपी प्रकाश पोरवाल यास परत दिलेली आहे. आरोपी प्रकाश मिश्रीमल पोरवाल याने बेकायदा कुलमुखत्यार पत्रांचा वापर करून वर नमुद 1) कुलमुखत्यार दस्त 7354/2006 2) खरेदीदस्त क्र. 3011/2009 3) खरेदीदस्त क्र. 2122/2009 4) खरेदीदस्त क्र. 2123/2009 5) गुन्हा रजीस्टर नं.81/2021 भादविक. 420,406,504,506(2),34 फिर्यादी- पर्ल हरमन डिमेलो अर्फ राहुल पांचाल वय 34 वर्षे रा. हनुमान वाटीका, प्रधान पार्क जवळ, वर्धमान सोसायटी, लोणावळा ता. मावळ जि. पुणे. आरोपी- प्रकाश मिश्रीमल पोरवाल वय 55 वर्षे रा. मौजे भुषी सव्हे नं. 24, श्री. एकविरा निवास, नौसेना बाग जवळ, लोणावळा ता. मावळ जि. पुणे. गुन्हा घडला ता. वेळ व ठिकाण:- दिनांक 30/10/2006 रोजी ते दिनांक 25/01/2010 रोजीचे दरम्यान कार्यालयीन वेळत दुयम निबंधक कार्यालय, लोणावळा व दुयम निबंधक कार्यालय, कुर्ला येथेहकीकत- यातील फिर्यादी यांनी मा. प्रथमवर्ग न्यायालय, वडगाव मावळ येथे फौजदारी किरकोळ अर्ज क्रमांक 406/2021 भा.द.वि.कलम 420, 406, 504, 506(2), 34 अन्वये आरोपी नामे प्रकाश मिश्रीमल पोरवाल वय 55 वर्षे रा. मौजे भुषी सव्हे नं. 24, श्री. एकविरा निवास, नौसेना बाग जवळ, लोणावळा ता. मावळ जि. पुणे याचेविरुद्ध सी.आर.पी.सी.कलम 156(3) प्रमाणे गुन्हा दाखल करणेसाठी आदेश होणेबाबत फौजदारी अर्ज केलेला असुन मा. प्रथमवर्ग न्यायालय, वडगाव मावळ यांचेकडील जावक क्र. 1125/2021 दिनांक 19/07/2021 अन्वये सदरचा फौजदारी किरकोळ अर्ज हा लोणावळा शहर पोलीस स्टेशन आवक क्रमांक 1399/2021 दिनांक 27/07/2021 अन्वये प्राप्त झालेला आहे. सदरचे अर्जातील फिर्यादी यांनी दिलेल्या फिर्यादीचा मजकुर खालील प्रमाणे-फिर्यादी यांचे वडील हरमन डिमेलो यांनी माजै तुंग ता. मावळ जि. पुणे येथील जमीन गट क्र. 234/1 क्षेत्र 02 हेक्टर 04 आर क्षेत्र हे दिनांक 06/05/1988 रोजी खरेदी दस्त क्रमांक 395/1988 अन्वये इसम नामे गणपत जानकु कुंभार, किसन जानकु कुंभार व विश्णु जानकु कुंभार यांचेकडून खरेदी केलेली आहे. फिर्यादी यांचे वडील हरमन डिमेलो हे दिनांक 15/07/1991 रोजी मयत झाल्यानंतर आरोपी प्रकाश पोरवाल याने दिनांक 30/10/2006 रोजी दुयम निबंधक कुर्ला येथे दस्त क्रमांक 7354/2006 अन्वये फिर्यादी यांचे आईकडून सदरचे जमीनीचे कुलमुखत्यार पत्र घेवून त्यामध्ये फिर्यादी यांचे वय कमी असल्याने त्यांना अज्ञात पालक दाखविले होते. परंतु सदरचे कुलमुखत्यार पत्र करते वेळी फिर्यादी यांचे वय हे 19 वर्षे 9 महिने इतके होते. सदरचे कुलमुखत्यार पत्राचे अधारे आरोपी प्रकाश पोरवाल याने दिनांक 04/06/2008 रोजी दुयम निबंधक लोणावळा येथे खरेदी दस्त क्र 3011/2008 ने सदर मिळकत गट क्रमांक 234 पैकी 02 हेक्टर 04 आर हे क्षेत्र बेकायदेषीर पणे स्वतःचे नावे करून घेतले व सदरचे क्षेत्रा पैकी 00 हेक्टर 64 आर क्षेत्र हे दिनांक 10/08/2008 रोजी दुयम निबंध कार्यालय,

## I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

लोणावळा येथे खरेदी दस्त क्रमांक 2122/2009 अन्वये श्री. विजय किसनलाल आगरवाल यांस विक्री केले. तसेच दिनांक 10/08/2009 रोजी सदर मिळकती पैकी 00 हेक्टर 40 आर. क्षेत्र हे दुय्यम निबंधक कार्यालय लोणावळा येथे खरेदी दस्त क्रमांक 2123/2009 अन्वये इसम नाम निलेष विष्वनाथ अगरवाल यांना विकले आहे. तसेच दिनांक 10/08/2009 रोजी सदर मिळकती पैकी 01 हेक्टर क्षेत्र हे दुय्यम निबंधक कार्यालय लोणावळा येथे खरेदी दस्त क्रमांक 2125/2009 अन्वये सौ. पुष्पा विजय अगरवाल यांना मालमत्ता विनिमय दस्ताने विक्री केले आहे. आरोपीने श्री. निलेष आगरवाल, विजय आगरवाल व पुष्पा आगरवाल यांना विकलेली फिर्यादी यांची जमीन ही त्यांनी पुन्हा रिलीज करून आरोपी प्रकाश पोरवाल यास परत दिलेली आहे. आरोपी प्रकाश मिश्रिमल पोरवाल याने बेकायदा कुलमुखत्यार पत्रांचा वापर करून वर नमुद 1) कुलमुखत्यार दस्त 7354/2006 2) खरेदीदस्त क्र. 3011/2009 3) खरेदीदस्त क्र. 2122/2009 4) खरेदीदस्त क्र. 2123/2009 5) मालमत्ताविनिमय दस्त क्रमांक 2125/2009 6) खरेदी दस्त क्र. 2718/2009 7) परिमोचन पत्र (रिलीज) दस्त क्रमांक 1972/2010 असे बेकायदेषिर दस्त नोंदवून स्वतःचा फायदा करून घेतला. व फिर्यादीचे मालकीचे जागेमध्ये बेकायदा व्यवहार करून फिर्यादी यांची कोणतीही संमती नसताना फिर्यादीला कुठलाही मोबदला न देता त्यांची फसवणुक केली आहे. तसेच फिर्यादी या सजान असताना त्यांना अज्ञान असल्याचे दाखवून फिर्यादी यांचे आईचा व फिर्यादी यांचा विश्वास घात करून फसवणुक केली आहे. तसेच फिर्यादी यांनी आरोपी विरुद्ध सरकार दरबार पाठपुरावा केल्यानंतर आरोपी याने फिर्यादी यांन शिवीगाळ करून दमदाटी केली आहे वगैरे मजकुराचे फिर्यादी वरून गुन्हा रजिस्टरी दाखल करून वर्दी रिपोर्ट मा जे एम एफ सी सो कोर्ट वडगाव मावळ येथे रवाना करून सदर गुन्ह्याचा पुढिल तपास पोहवा/1673 घोटकर 882 पाटणकर सो हे करित आहेत.दाखल अंमलदार पोना/2143 नांगरे मालमत्ताविनिमय दस्त क्रमांक 2125/2009 6) खरेदी दस्त क्र. 2718/2009 7) परिमोचन पत्र (रिलीज) दस्त क्रमांक 1972/2010 असे बेकायदेषिर दस्त नोंदवून स्वतःचा फायदा करून घेतला. व फिर्यादीचे मालकीचे जागेमध्ये बेकायदा व्यवहार करून फिर्यादी यांची कोणतीही संमती नसताना फिर्यादीला कुठलाही मोबदला न देता त्यांची फसवणुक केली आहे. तसेच फिर्यादी या सजान असताना त्यांना अज्ञान असल्याचे दाखवून फिर्यादी यांचे आईचा व फिर्यादी यांचा विश्वास घात करून फसवणुक केली आहे. तसेच फिर्यादी यांनी आरोपी विरुद्ध सरकार दरबार पाठपुरावा केल्यानंतर आरोपी याने फिर्यादी यांन शिवीगाळ करून दमदाटी केली आहे वगैरे मजकुराचे फिर्यादी वरून गुन्हा रजिस्टरी दाखल करून वर्दी रिपोर्ट मा जे एम एफ सी सो कोर्ट वडगाव मावळ येथे रवाना करून सदर गुन्ह्याचा पुढिल तपास पोहवा/1673 घोटकर 882 पाटणकर सो हे करित आहेत.दाखल अंमलदार पोना/2143 नांगरे

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(केलेली कारवाई: बाब क्र.२ मध्ये नमूद केलेल्या कलमान्वये वरील अहवालावरून अपराध दिसून आल्यामुळे):

- (1) Registered the case and took up the investigation (प्रकरण नोंदविले आणि तपासाचे काम हाती घेतले): or (किंवा):

N.C.R.B (एन.सी.आर.बी)

L.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

(2) Directed (Name of I.O.) (तपास अधिका-याचे नाव): Rank (हुद्दा): पोलीस हवालदार  
jayraj jaysingrao patankar

No. (क्र.): pn882 to take up the Investigation (तपास करण्याचे अधिकार दिले) or  
(किंवा)

(3) Refused investigation due to (ज्या कारणामुळे तपास करण्यास नकार दिला):  
or (किंवा)

(4) Transferred to P.S. (गुन्हा दुसरीकडे पाठविला असल्यास त्या पोलीस ठाण्याचे नाव):

District (जिल्हा): on point of jurisdiction (अधिकाराच्या  
दृष्टिकोनातून).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded  
and a copy given to the complainant / informant, free of cost. (प्रथम खबर  
तक्रारदाराला/खबरीला वाचून दाखविली, बरोबर नोंदविली असल्याचे त्याने मान्य केले आणि  
तक्रारदाराला/खबरीला खबरीची प्रत मोफत दिली)

R.O.A.C. (आर.ओ.ए.सी.)

Signature of Officer in charge, Police  
Station (ठाणे प्रभारी अधिका-याची  
स्वाक्षरी)

14. Signature / Thumb impression  
of the complainant / informant  
(तक्रारदाराची/खबर देणा-याची  
सही/अंगठा)

Name (नाव): dilip shishupal pawar

Rank (हुद्दा): I (Inspector)

No. (क्र.):

15. Date and time of dispatch to the court (न्यायालयात पाठवल्याची तारीख व वेळ):

N.C.R.B (एन.सी.जर.बी)

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

Attachment to item 7 of First Information Report (प्रथम खबरीतील मुद्दा क्र. ७ ला जोडपत्र)

Physical features, deformities and other details of the suspect/accused: ( If known / seen )  
(संशयीत/आरोपीचे (माहित असलेल या/पाहिलेल या) शारीरिक वैशिष्ट्ये, ढ यंग आणि इतर तपशील)

S.No. (अ.क्र.)	Sex (लिंग)	Date / Year Of Birth (जन्मतारीख वर्ष)	Build (बांधा)	Height (cms) (उंचीसे मी)	Complexion (रंग)	Identification Marks(s) (ओळखीच या खुणा)
1	2	3	4	5	6	7
1	पुरुष	1966				

चेचक: क्र.

Deformities / Peculiarities (ढ यंग वैशिष्ट्ये)	Teeth (दात)	Hair (केस)	Eye (डोळे)	Habit(s) (सवयी)	Dress Habit (s) (पोशाखाच य सवयी)
8	9	10	11	12	13

Language/Dia lect (भाषा/बोली)	Place of (चे ठिकाण)	Others (इतर)

Burn Mark (भाजल याच खुणा)	Leucoderm a (कोड)	Mole (तिळ)	Scar (द्वण)	Tattoo (गोदण)
14	15	16	17	18

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(जर तक्रारदार/माहिती देणा-याने संशयीत/आरोपीविषयी एक किंवा त यापेक्षा अधिक तपशील दिले यास फक्त त यातील रकाने यांची नोंद घेतली जाईल)

Sr. No.	Property Category	Property Type	Description	Value (In Rs.)
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10. Total value of properties (in Rs.)

11. Inquest Report/ U.D. Case No. if any

Sr. No.	UIDB Number
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12. First Information contents:

Crime Register No. 81/2021 IPC, Section 420,406, 504, 506(2), 34 Plaintiff- Pearl Harman Dimelo alias Rahul Panchal aged 34 years Res. Hanuman Vatika, Near Pradhan Park, Vardhaman Society, Lonavala Tal. Maval Dist. Pune. Accused- Prakash MishrimalPorwal age 55 years Res. MaujeShushiSavrhe no. 24. Shri. EkviraNiwas, Near Naval Bagh, LonavalaMaval Dist. Pune crime happened at Time and Date:- Between 30/10/2006 to 25/01/2010 during office hours at Sub Registrar Office, Lonavla and Sub Registrar Office, Kurla

Fact- Plaintiff in this Hon. First Class Court, VadgaonMaval Criminal Minor Application No. 406/2021 under IPC section 420, 406, 504, 506 (2), 34 Accused Name Prakash MishrimalPorwal Age 55 years Res. MaujeBhushiSavrhe no. 24. Shri. EkviraNiwas, Near Naval Bagh, LonavalaMaval Dist. Pune According to Section 156 (3), of C.R.P.C. a criminal application has been made regarding the order to file a case and Hon. Court of First Class, VadgaonMaval vide no. 1125/2021 dated 19/07/2021 The said criminal minor application has been received by Lonavla City Police Station under Incoming No. 1399/2021 dated 27/07/2021. The text of the plaint given by the plaintiff in the said application is as follows- Herman Dimelo, the father of the plaintiff, Maon Tung Ta. Maval Dist. Land Group No. of Pune. 234/1 Area 02 Hectares 04 R Area Purchased on 06/05/1988 vide Purchase Deed No. 395/1988 in the names of

GanpatJanakuKumbhar, KisanJanakuKumbhar and Vishnu JanakuKumbhar. Plaintiff's father Harman Dimelo died on 15/07/1991 by accused Prakash Porwal on 30/10/2006 at Second Registrar Kurla vide document No. 7354/2006. After obtaining the letter from the land's guardian from his mother, the plaintiff was shown as an unknown parent due to his young age. But at the time of writing the said Attorney General's letter, the age of the plaintiff was 19 years and 9 months. On the basis of the said Attorney letter, the accused Prakash Porwal legally acquired the said income group no.234 area 02 Hector 04 R illegally by the purchase document No. 3011/ 2008 in his name and 00 hectare 64 R area out of the said area dated 10/08/2008 at Secondary Registration Office, Lonawala under Purchase Order No. 2122/2009 by Shri. Sold to Vijay Kisanlal Agarwal. Also on 10/08/2009 out of the said income 00 hectares 40

Rs. The area is sold to NileshVishwanath Aggarwal under Purchase Order No. 2123/2009 at Secondary Registrar's Office, Lonawala. Also on date 10/08/2009 out of the said income 01 hectare area is at Second Registrar Office Lonawala under Purchase Order No. 2125/2009 Mrs. Pushpa Vijay Agaral has been sold by Malamata Exchange. The accused Mr. Plaintiff's land sold to Nilesh Agarwal, Vijay Agarwal and Pushpa Agarwal has been re-released by them and returned to accused Prakash Porwal. Accused Prakash MishrimalPorwal using illegal Attorney letters mentioned above 1) attorney Deed 7354/2006 2) Purchase Deed no. 3011/2009 3) Purchase document no. 2122/2009 4) Purchase document no. 2123/2009 5Crime Register No.81/2021 IPC Section 420, 406,504, 506 (2), 34 Plaintiff- Pearl Harman DiMelo alias Rahul Panchal Day 34 years Res. Hanuman Vatika, Near Pradhan Park, Vardhaman Society, LonavalaTt. Maval Dist.

Pune. Accused Prakash MishrimalPorwal age 55 years Res. MaujeBhushiSavrhe no. 24. Shri. EkviraNiwas, Near Naval Bagh, LonavalaMaval Dist. Pune crime happened at Time and Date:- Between 30/10/2006 to 25/01/2010 during office hours at the Office of the Second Registrar, Lonavla and the Office of the Second Registrar, Kurla. First Class Court, VadgaonMaval Criminal Minor Application No. 406/2021 B.D.V. Sections 420, 406, 504, 506 (2). Name of accused under 34 Prakash MishrimalPorwal age 55 years Res. MaujeBhushiSavrhe no. 24, Mr. EkviraNiwas, Near Naval Bagh, LonavalaMaval Dist. Pune against According to Section 156 (3)C. R. P. C., a criminal application has been made regarding the order to file a case and Hon. Court of First Class, VadgaonMaval vide no. 1125/2021 dated 19/07/2021 the said criminal minor application has been filed in Lonavala cityPolice Station under

Incoming No. 1399/2021 dated 27/07/2021. The text of the complaint given by the plaintiff in the said application is as follows. Maval Dist. Land Group No. at Pune. 234/1 Area 02 Hectares 04 R Area Purchased vide Purchase Order No. 395/1988 dated 06/05/1988 from GanpatJanakuKumbhar, KisanJanakuKumbhar and Vishnu JanakKumbhar. After the death of the plaintiff's father Harman Dimelo on 15/07/1991, the accused Prakash Porwal obtained a letter of guardianship of the said land from the plaintiff's mother. He was shown to have unknown parents. But the age of the plaintiff was 19 years and 9 months at the time of writing the said Attorney letter, according to the said Kulmukhtar letter accused Prakash Porwal purchased the said income group no. The area 04 R has been illegally acquired in its own name and out of the said area 00 hectare 64 R area dated 10/08/2008 Secondary Registration Office, sold to

NileshVishwanath Aggarwal in the name of Ism under Purchase Deed No. 2123/2009 at Second Registrar's Office Lonawala. Also on date 10/08/2009 out of the said income 01 hectare area at Second Registrar Office Lonawala under Purchase Order No. 2125/2009 Mrs. Pushpa Vijay Agaral has been sold by Malamata Exchange. The accused Mr. Plaintiff's land sold to Nilesh Agarwal, Vijay Agarwal and Pushpa Agarwal has been re-released by them and returned to accused Prakash Porwal. Accused Prakash MishrimalPorwal has used illegal Attorney letters vide above 1) Attorney Deed 7354/2006 2) Purchase Deed no. 3011/2009 3) Purchase document no. 2122/2009 4) Purchase document no. 2123/2009 5) Property Exchange Deed No. 2125/2009 6) Purchase Deed No. 2718/2009 7) availed himself by registering the illegal Deed as ParimochanPatra (Release) Deed No. 1972/2010. And by making illegal transactions in

the property of the plaintiff without any consent of the plaintiff, without giving any compensation to the plaintiff, he has cheated the plaintiff. Also, when the plaintiff was sane, he betrayed the trust of the plaintiff's mother and the plaintiff by showing that he was ignorant. Also, after the prosecutor pursued the court case against the accused, the accused has abused the plaintiff etc., filed a case against the plaintiff in the register of the case and sent the report to Resp. T.M.F.C.C. Court VadgaonMaval for further investigation of the said crime PC/ 1673 Ghotkar 882 Patankar So these are done. Filed Executor PC/2143 Nangare. Complainant health is not in good condition for the last 7 to 8 years. Also the plaintiff is not able to walk properly at present. Accused Prakash MisrilalPorwal is a resident of Lonavla and by falsely presenting a dispute over the land of the helpless and needy people in Jumla and saying that

the government is a Darbari identity and Daara, the government has written a power of attorney from him for the work of the government durbar court and misused it, he is doing the business of stealing the land of the helpless and needy people. The business of the accused is to make it white. The accused has taken full advantage of the complainant's husband's illness and after that the complainant has become a widow by making a conspiracy and swallowed the complaint. Superintendent of Police Lonavla Division has been sent to Lonavla and other 10 famous persons. But after the accused came to know that no legal action has been taken against the accused and the plaintiff filed a complaint against the accused, Accused abused the plaintiff and threatened to kill him. Therefore, the plaintiff has been forced to file the present complaint in the court. And the crime committed by the accused is as follows- Review for

the complaint 2) MaujeKevregaon and land in Maval District Pune) Survey no. 66/12 Total Area 00.48R b) Survey no. 75/1/3 Total Area 01.44R c) Survey no. 64/6 Total Area 00.225) Survey no. 65 / 5 Total area 100.16 Henceforth the said income is referred to as complaint income. A) Above clause no. 1 property described is dated 10/12/2021 by 1) BhaguBaluDalvi, 2) SavitribaiNayuDalvi 3) MungabaiLaxmanPathare 4) Gangabai Narayan Mhaskar 5) RangubaiKisanPhatak 6) KasubaiNathuniDalvi and Herman Aranus after receiving due compensation. DeMelo is marketed through purchase agreements. The said registered purchase deed registered in the office of Sub-Registrar MavalMaval No. 3965/1987 has been recorded, The entry of said purchase of fertilizer in the notebook of Village Worker Talathi dated 15/04/1988 Change no. 446 has been filed and the said entry has been approved on 18/06/1988

under section 84A of attorney. b) In respect of the complaint income described in Clause 1 above and other 9 properties, Herman AranusDiMelo died on 15/07/1991 and his legal heirs are his wife Julie Herman DiMelo and daughter Paul Herman DiMelo in the register of Village Worker Talathi dated 01/05/ 1992 vide amendment no. 462 and the said record is this. Approved on 27/05/1992. c) For the complaint income described in the above section. Order No. from TehsildarSahebMaval. Case No./84K/S/R/266,267.269,270/92 dated 03/04/1993 vide modification no. 446 entry has legalized the transaction. And on 7/12, the comment under Section 84A of other rights has been reduced. Entry of the said order in the office of Village Worker Talathi dated 23/04/1993 vide no. 468 and the said modification has been approved on 01/05/1993. d) For receipt of complaints described in Clause 1 above from Hon'ble Sub

Divisional Officer Sub Division Pune Order no. 84 C/Rev/SR/139/93 dated 21/11/2994 the said income has been deposited by the head. Entry of the said order in the office of Village Worker Talathi dated 30/04/1995 vide no. 487 and the said modification has been approved on 26/10/1995. e) Take other 9 properties including the complaint proceeds described in Section 1 above Dated 11/08/1995 Julie Herman DiMello for herself and Paul Herman DiMello Ap. c. Therefore, on behalf of the Attorney holder JagdishAnantKamat has sold the purchase property to SulochanaNandkishore Agarwal (deceased mother-in-law of the plaintiff) after taking appropriate consideration. The said registered purchase deed in the office of the Sub-Registrar Maval, Deed No. 3407/1995 has been registered. Village worker Talathi's office recorded the said purchase deed Amendment No. 491 filed on 01/06/1996 and the said entry dated Approved

on 26/06/1996. The implementation of the said change has been done on 7/12 excluding the income complaints. E) On 30/07/1996 plaintiff's mother-in-law SulochanaNandkishore Aggarwal died at Pune Deceased Sulocha Chana Nandkishore Aggarwal Legal Heir Suresh Nandkishore Aggarwal Son Ashok Nandkishore Aggarwal Son Deceased Geeta Ashok Aggarwal Daughter-in-law Anil Ashok Aggarwal (Grandson) Akhil Ashok Aggarwal (Grandson) ShitalNishant Agarwal (Granddaughter) Usha Suresh Jain (Daughter) are viz.g) Mr. Prakash MishrimalPorwal Mrs. Julie Haman DiMello and Paul Herman DiMello for the said Complaint Income. A.P. C. A power of attorney has been written by Mrs. Julie HermenDiMeloYanj. The said Attorney General Letter dated 30/10/2006 Document no. Badar 3PT 7355/2006 is registered. H) Complaint proceeds as described in clause 1 above. On 30/01/2014 Julie Herman DiMello for

herself and Paul Herman DiMello A.P.C. By Mrs. Julie Herman DeMello Purchased and sold by Prakash MishrimalPorwal as Custodian. The said purchase deed in the office of the Sub-Registrar, Lonawala, document no. 338/20214 is registered. The entry of the purchase of fertilizer in the notebook of village worker Talathi has been filed on 27/06/2014 with amendment no. 529 and the said entry has been approved on 22/08/2014. A) Julie Herman DiMello for herself and Paul Herman DiMello A.P.K. Ms. Julie Herman DiMello for the said complaint income. Accordingly, Prakash MisrilalPorwal submitted to the Maharashtra Revenue Tribunal Pune VidhanBhavan Pune 1 Sub Divisional Officer's Order No. 84 C/Rev/SR 139/93 dt. 21/11/1994 appealed against and the order of the Maharashtra Revenue Tribunal Pune VidhanBhavanPune 1 Revision Appln No. Order No. 84 C/Rev/ SR/139/93 of the Sub Divisional Officer

Maval vide TNC/REV/29/07/P. By canceling the order dated 21/11/1994. The verdict of top cultist Maval has been upheld. The notebook of the village worker Talathi recorded the said decree dt. 31/07/2014 AMENDMENT NO. 350 has been filed and the said entry has been approved on 22/08/2014. A) Plaintiff's mother-in-law K SulochanaNandkishore Agarwal got the right for the complaint income after her death and for the said complaint income along with other 9 incomes. Heirs of Herman DiMello Wife Julie Herman DiMello and daughter Paul Herman DiMello Plaintiff dated 11/08/1995, No. 3407/1995 has been approved by the deed of purchase. The registered certificate of approval is Document No. 1711/2018 in the office of the Second Registrar, Lonawala. Registered on 24/094/2018. i) On 24/04/2018 Julie Herman DiMello and Paul Herman DiMello have canceled the Kulmukhtar Journalist Deed dated 30/10/2006

dated 30/10/2006 vide Dast No. Badr-3 IV 7355/2006. The said Dast& DR Chaudhary Reg no. 6143 Registered with Notary with registration number 506/2018 and the power of attorney issued on 30/06/2006 is permanently cancelled. j) Copy of attorney Journalism Canceled Deed dated 25/05/2018 to Prakash MishrimalPorwal dated 30/10/2006 dated 30/10/2006 by Julie HermenDiMello and Paul HermenDiMello and in Daily Prabhat Pune newspaper. A public notice has been given. A) Dt. 29/05/2018 dated 25/05/2018 Julie Herman DiMello and Paul Hermon DiMello to Prakash MishrimalPorwal dated 30/10/2006 DAST No. Badr-3 IV 7355/2006 KULMUKHTAYAR JOURNALISM CANCELED COPY AND DIARY A copy of the public notice has been posted in Prabhat Pune newspaper. And it has reached them. c) Plaintiff filed suit No. RTS/A/SR/302/2018 in the court of Sub-Divisional Officer MavalMulshi

Sub-Division Pune in order to get his name on the complaint. Its result is on 10/07/2020. 3) Complaints of the plaintiff as follows 1) Complaint Income The plaintiff has purchased purchase order no. 3407/1995 as registered under Section 17 of the Indian Registration of Deeds Act and the said Deed has not been canceled by any Court, the said Deeds have been acquired by the Plaintiffs. Accused Prakash MishrimalPorwal filed complaint no. 338/2014 dated 30/01/2014 with the intention of causing damage to the plaintiff and illegally benefiting the accused. This is an offense under section 420 of IPC. 2) On 24/04/2018 Julie HermenDiMello and Paul HermenDiMello A.P.C. by Julie HermenDiMello accused Prakash MishrimalPorwal on 30/10/2006 Document no. Badar 3 plot 7355/2006 has been canceled for the power of attorney issued. The said Document& DR Chaudhary Reg no. 6143 Registered with Notary

with registration number 506/2018 and the Power of Attorney issued on 30/10/2006 is permanently cancelled. And then d. On 25/05/2018 by Julie Herman DiMello & Paul Herman DiMello A.P.C. Attorney General Journalism Rejection issued by Julie Herman DiMello to Accused Prakash MishrimalPorwal dated 30/10/2006 in Document No. Badr-3 IV 7355/2006 is done for that a public notice has been given in Daily Prabhat Pune newspaper. And then dated On 25/05/2018 Julie Herman DiMello and Paul Herman DiMello A.P.C. A copy of the writ dated 30/10/2006 issued by Julie Herman DiMello to the accused Prakash MishrimalPorwal for attorney Journalism Radwadal has been given to the accused by post. And it has reached the accused. The said complaint property along with other 9 property by Julie Herman DiMello and daughter Paul Herman DiMello on behalf of A.P.C. by JagdishAnantKamat, Power of

Attorney on behalf of Julie Herman DiMello to plaintiff's mother-in-law SulochanaNandkishore Agarwal dated 11/08/1995 Document No.3407/1995 Purchased Deed Endorsed by Julie Herman DeMello and Paul Herman DeMello by Deed of Endorsement. The said registered deed of approval has been registered in the office of the Deputy Registrar, Lonawala vide Document No. 1711/2018. In spite of this, the accused Prakash Porwal deliberately filed suit No. RT in the court of Sub Divisional Officer MavalMulshi Sub Division Pune

13. Action taken: Since the above report reveals commission of offence (s) u/s as mentioned at item no.2

(1) Registered the case and took up the investigation.

(2) Directed (Name of I.O)

ANIL MANOHAR LAVATE

Rank: POLICE INSPECTOR

No.                    to take up the investigation    or

(3) Refused investigation due to

Or

(4) transferred to P.S..... District.....

on point of jurisdiction.

F.I.R. read over to the complainant/informant,  
admitted to be correctly recorded and a copy given  
to the Complainant/informant free of cost.

R.O.A.C.



True Copy

## Annexure R-6

Cri.M.A. No. 416/2021  
CNR No. MHPU260024562021

Smt. Gita Ashok Agrwal ... Complainant,

Versus

Shri. Prakash Mishrimal Porwal ... Accused.

**Order Below Exh. 1. in Cri.M.A. No.416/2021.**

Perused the complaint and documents filed alongwith the complaint. The complaint is supported with affidavit. Heard Learned Advocate P.B. Bhutada for the complainant. The offences alleged are cognizable. The complainant made allegations that, the agricultural properties bearing survey No. 66/12, 75/1/3, 64/6 & 65/5 situated at village Kevare, Tal. Maval., Dist. Pune were previously owned by Bhagu Balu Dalavi and others. They have sold said properties to Harman Aranus Dimelo by registered sale deed on 15/04/1988. Thereafter, Harman Dimelo was expired and name of his wife and daughter were recorded in record of right. The Julee Harman Dimelo and her minor daughter sold said lands through power of attorney Jagdish Anant Kamat in favour of mother-in-law of complainant namely Sulochana Nandkishor Agrwal by registered sale deed in the year 1995. The Sulochana was expired on 30/07/1996.

2. The complainant made further allegations that, the accused got executed power of attorney from Julee Dimelo and got executed sale deed in his favour in respect of land which were sold to Sulochana Agrwal. The Julee Dimelo published notice and canceled the power of attorney. However, accused got executed sale deed in his favour. The accused committed breach of trust, cheating. The complainant mate with accused, however he threatened her. The complainant filed report in the police station. However, police did not take action. Hence, she

has filed present complaint. Therefore, she has prayed order of investigation u/s 156 (3) of Cr.P.C. The complaint has been supported with affidavit of complainant.

3. The allegations made by the complaint discloses serious allegations against the accused. The present complaint is filed u/s 404, 420, 406, 504, 506(2) of IPC. The complainant has filed various documents in respect of offence. The accused got executed sale deed in his favour in respect of land which was already sold by registered sale deed in favour of mother-in-law of complainant. The offence involves element of cheating and forgery.

4. Considering the nature of offences and averments made in the complaint and documents filed on record, I am of the opinion that, in this case detailed investigation is necessary through the Police machinery. Hence, it is just and proper to sent the complaint for the investigation under section 156(3) or the Cr.P.C.. Hence, I pass the following order.

**ORDER**

1. Complaint be sent for investigation under section 156(3) of the Cr.P.C. to the Police Inspector of Lonavala Rural Police Station.
2. Order Pronounced in open Court.

**Date: 24/06/2021**  
**Vadgaon Maval**

Sd/-  
**(Bharat V. Burande)**  
**Jt. Judicial Magistrate First Class,**  
**Vadgaon Maval, Dist: Pune**

Order Below Exh. 1. in Cri.M.A. No.416/2021.

The complaint has been sent for investigation under section 156(3) of Code of Criminal Procedure. In view of the judgment of Hon'ble Bombay High Court, in the case of **Avinash Trimbakrao Dhondage Vs. State of Maharashtra and others, reported in 2016(1) Bombay CR (Cri) 223**, wherein it is held that, once magistrate passes an order under section 156(3) of the CrPC the magistrate has further nothing to do and proceeding under section 156(3) of CrPC terminated, nothing remains pending before magistrate after such order. Therefore, it is not necessary to keep the proceeding pending. Hence, the proceeding stands disposed off.

Sd/-

Date: 24/06/2021  
Vadgaon Maval

(Bharat V. Burande)  
Jt. Judicial Magistrate First Class,  
Vadgaon Maval, Dist: Pune

CERTIFICATE.

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

Name of Steno	: Mrs. Neha Kiran Vaidya
Court Name	: Shri. B. V. Burande, Jt. C.J.J.D. & J.M.F.C., Vadgaon Maval, Pune
Date of order	: 24/06/2021
Order signed by P.O. on	: 24/06/2021
Order uploaded on	: 29/06/2021

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)

प्रथम खबर अहवाल

(फौजदारी प्रक्रिया संहिताच्या कलम १५४  
अन्वये)

1. District (जिल्हा): पुणे ग्रामीण P.S. (पोलीस ठाणे): लोणावळा Year (वर्ष): 2021  
ग्रामीण  
FIR No. (प्रथम खबर क्र.): 0277 Date and Time of FIR (प्र. ख. दिनांक आणि वेळ):  
02/07/2021 12:45 वाजता

S.No. (अ.क्र.)	Acts (अधिनियम)	Sections (कलम)
1	भारतीय दंड संहिता १८६०	४०४
2	भारतीय दंड संहिता १८६०	४०६
3	भारतीय दंड संहिता १८६०	४२०
4	भारतीय दंड संहिता १८६०	५०४
5	भारतीय दंड संहिता १८६०	५०६

3. (a) Occurrence of offence (गुन्ह्याची घटना):

1 Day (दिवस): मधले दिवस Date from (दिनांक पासून): 30/01/2014 Date To (दिनांक पर्यंत): 02/07/2021

Time Period (कालावधी): 13:00 तास Time From (वेळेपासून): 12:00 तास Time To (वेळेपर्यंत): 12:00 तास

(b) Information received at P.S. (पोलीस ठाण्यावर माहिती मिळाल्याचा): Date (दिनांक): 02/07/2021 Time (वेळ): 12:00 तास

(c) General Diary Reference (ठाणे दैनंदिनी संदर्भ): Entry No. (नोंद क्र.): 011 Date and Time (दिनांक आणि वेळ): 02/07/2021 12:29 तास

4. Type of Information (माहितीचा प्रकार): लेखी

5. Place of Occurrence (घटनास्थळ):

1. (a) Direction and distance from P.S. (पोलीस ठाण्या पासून दिशा आणि अंतर): पश्चिम, 10 कि.मी. Beat No. (बीट क्र.):

N.C.R.B (एन.सी.आर.बी)

I.I.F.-1 (एकीकृत अन् वेषणफॉर्म - १)

(b) Address (पत्ता): केवरे ता मावळ जि पुणे सर्वे नं.

(c) In case, outside the limit of this Police Station, then Name of P.S. (पोलीस ठाण्याच्या हद्दी बाहेर असल्यास, पोलीस ठाण्याचे नाव):

District (State) (जिल्हा (राज्य)):

## 6. Complainant / Informant (तक्रारदार / माहिती देणारा):

(a) Name (नाव): श्रीमती गिता अशोक अगरवाल

(b) Father's/Husband's Name (वडिलांचे/पतीचे नाव):

(c) Date/Year of Birth (जन्मतारीख / वर्ष): 1961 (d) Nationality (राष्ट्र ट्रीयट व): भारत

(e) UID No. (यु.आय.डी. क्र.):

(f) Passport No. (पारपत्र क्र.):

Date of Issue (दिल्याची तारीख ): Place of Issue (दिल्याचे ठिकाण):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (ओळखपत्र विवरण (राशन कार्ड ,मतदाता कार्ड ,पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पॅन कार्ड))

S. No. (अ.क्र.)	ID Type (ओळखपत्राचा प्रकार)	ID Number (ओळखपत्र क्रमांक)
-----------------	-----------------------------	-----------------------------

(h) Occupation (व्यवसाय):

(i) Address (पत्ता):

S.No. (अ.क्र.)	Address Type (पत्ता प्रकार)	Address (पत्ता)::
1	वर्तमान पत्ता	वर्धमान सोसा, हनुमान वाटीका प्रधान पार्क जवळ, लोणावळा ता मावळ जि पुणे , लोणावळा ग्रामीण , पुणे ग्रामीण, महाराष्ट्र, भारत
2	स्थायी पत्ता	वर्धमान सोसा, हनुमान वाटीका प्रधान पार्क जवळ, लोणावळा ता मावळ जि पुणे , लोणावळा ग्रामीण , पुणे ग्रामीण, महाराष्ट्र, भारत

(j) Phone number (फोन नं.):

Mobile (मोबाइल क्र.): 0

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संशयित / अज्ञात आरोपींचे संपूर्ण तपशील):

Accused More Than (अज्ञात आरोपी एका पेक्षा जास्त असतील तर संख्या): 0

S. No. (अ.क्र.)	Name (नाव)	Alias (उर्फनाव)	Relative's Name (नातेवाईकाचे नाव)	Present Address(वर्तमान (पत्ता))
1	प्रकाश मिश्रीलाल पोरवाल			1. भुशी सर्व्हे नं 24,Town/Village (शहर / गाव): श्री एकविरा निवास नौसेनाबागजवळ, Tehsil (तहसील): लोणावळा ता मावळ जि पुणे, Police Station (पोलीस ठाणे): लोणावळा ग्रामीण, District (जिल्हा): पुणे ग्रामीण, State (राज्य): महाराष्ट्र, भारत

8. Reasons for delay in reporting by the complainant / informant ( तक्रारदार/माहिती देणा-याकडून तक्रार करण्यातील विलंबाची कारणे ):

9. Particulars of properties of interest (संबंधित मालमतेचा तपशील):

S. No. (अ.क्र.)	Property Category (मालमत्ता वर्ग)	Property Type (मालमत्ता प्रकार)	Description (विवरण)	Value(In Rs/-) मूल्य (रु. मध्ये)

10. Total value of property (In Rs/-) मालमतेचे एकूण मूल्य (रु. मध्ये) :

11. Inquest Report / U.D. case No., if any (मरणान्वेषण अहवाल/अकस्मात मृत्यू प्रकरण क्र. जर असल्यास):

S. No.  
(अ.क्र.) UIDB Number (यु.आय.डी.बी.)

12. First Information contents (प्रथम खबर हकिगत):

फिर्यादी ही विधवा असून वर नमुद पत्न्यावर राहत असून फिर्यादीचे पती कै अशोक नंदकिशोर अगरवाल हे सन 2006पासून -हृदयविकाराने ग्रस्त होते. व त्यांचे निधन दिनांक 31/08/2009रोजी

## I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

झालेले आहे. व फिर्यादी या त्यांच्या विधवा पत्नी आहेत. तसेच फिर्यादीचे गेले 7 ते 8 वर्षांपासून स्वास्थ व्यवस्थित नाही. तसेच फिर्यादीस सद्यस्थितीत योग्यरित्या चालणेसुद्धा जमत नाही. आरोपी प्रकाश मिश्रीलाल पोरवाल हे लोणावळा येथील रहींवाशी असून असहाय्य व गरजू लोकांचे जमीन जुमल्यामध्ये खोटेनाटे वाद उपस्थित करून व सरकार दरबारी ओळख व दारा असल्याचे सांगून त्यांचेकडून सरकार दरबार कोर्ट कामाकरीता कुलमुखत्यारपत्र लिहून घेवून त्याचा दुरुपयोग करून असहाय्य व गरजू लोकांच्या जमीनी लाटण्याचा धंदा आरोपी करित असून स्वतःचे उखळ पांढरे करून घेण्याचे आरोपीचा व्यवसायच आहे. आरोपीने फिर्यादी यांचे पतीच्या आजारपणाचा व त्यानंतर फिर्यादी ही विधवा झाल्याचा पूर्णपणे फायदा घेवून तक्रार मिळकत षडयंत्र करून गिळंकृत केलेली आहे., आरोपीने फिर्यादी यांची घोर फसवमुक केलेली असून त्याकामी फिर्यादी यांनी दिनांक 08/02/2021 रोजी मा पोलीस निरीक्षक लोणावळा ग्रामीण पोलीस स्टेशन व मा उपविभागीय पोलीस अधिक्षक लोणावळा विभाग लोणावळा व इतर 10नामदार व्यक्तीस पाठविलेली आहे. परंतु आरोपीविरुद्ध कुठलीही कायदेशीर कारवाई झालेली नाही, व फिर्यादीने आरोपीविरुद्ध तक्रारी अर्ज केले ही बाब आरोपीस कळालेनंतर आरोपीने फिर्यादीस शिवीगाळ तसेच जिवे मारण्याची धमकी दिली. त्यामुळे फिर्यादीस प्रस्तुतची फिर्याद मे, कोर्टामध्ये दाखल करणे भाग पडले आहे. व आरोपीने केलेल्या गुन्ह्याची पुढीलप्रमाणे- तक्रारीकरीता पुनर्विलोकन 2) मौजे केवरेगाव ता मावळ जि पुणे येथील जमीनीअ) सर्व्हे नं. 66/12एकुण क्षेत्र 00.48आर ब) सर्व्हे नं. 75/1/3 एकुण क्षेत्र 01.44आर क) सर्व्हे नं. 64/6 एकुण क्षेत्र 00.22ड) सर्व्हे नं. 65/5एकुण क्षेत्र 00.16येथुन पुढे सदर मिळकतीना तक्रार मिळकती असे संबोधले आहे. अ) वर कलम नं, 1मध्ये वर्णन केलेल्या मिळकती ह्या दिनांक 10/12/2021 रोजी 1) भागु बाळु दळवी, 2)सावित्रीबाई नथु दळवी 3) मुंगाबाई लक्ष्मण पाठारे 4) गंगाबाई नारायण म्हसकर 5) रंगुबाई किसन फाटक 6) कसुबाई नथुि दळवी यांनी योग्य तो मोबदला घेवून हर्मन अरानुस डेमेलो यास खरेदी खतादवारे विक्री केलेले आहे. सदरचे नोंदणीकृत खरेदी खत दुय्यम निबंधक मावळ मावळ यांचे कार्यालयामध्ये नोंदणीकृत दस्त क्र.,3965/1987ने नोंदविलेले आहे., गावकामगार तलाठी यांचे दप्तरी सदर खरेदी खताची नोंद दिनांक 15/04/1988रोजी फेरफार क्र. 446ने दाखल केलेली असून सदरची नोंद कुळकायदा कलम 84क स पात्र ठेवुन दि 18/06/1988रोजी मंजुर झालेली आहे. ब) वर कलम 1मध्ये वर्णन केलेल्या तक्रारी मिळकतीसह इतर 9मिळकतीकरीता हरमन अरानुस डिमेलो हे दिनांक 15/07/1991रोजी मयत झालेले असून त्याचे कायदेशीर वारसदार त्यांची पत्नी ज्युली हरमन डिमेलो व मुलगी पल हरमन डिमेलो यांचे नावाची नोंद गावकामगार तलाठी यांचे दप्तरी दिनांक 01/05/1992रोजी फेरफार नं. 462ने दाखल झालेली असून सदरची नोंद ही. 27/05/1992रोजी मंजुर झालेली आहे. क) वर कलम 1मध्ये वर्णन केलेल्या तक्रार मिळकतीकरीता मे. तहसीलदार साहेब मावळ यांचेकडील हुकुम नं. टे -केस क्र./84क /एस/आर / 266,267,269,270/92 दिनांक 03/04/1993 अन्वये फेरफार नं. 446 नोंदीने नोंदलेला व्यवहार कायदेशीर ठरविण्यात आला आहे. व 7/12सदरी इतर हक्कातील 84क स पात्र हा शेरा कमी केलेला आहे. गावकामगार तलाठी यांचे कार्यालयामध्ये सदर हुकुमाची नोंद दिनांक 23/04/1993रोजी फेरफार नं. 468ने नोंदविलेली असून सदरचा फेरफार दिनांक 01/05/1993रोजी मंजुर झाला आहे. ड) वर कलम 1मध्ये वर्णन केलेल्या तक्रारी मिळकतीकरीता मा उपविभागीय अधिकारी उपविभाग पुणे यांचेकडील

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हु नं. 84 क/रिव्ही/एसआर/139/93 दिनांक 21/11/2994अन्वये सदर मिळकती सदरकार जमा केलेल्या आहेत. गावकामगार तलाठी यांचे कार्यालयामध्ये सदर हुकुमाची नोंद दिनांक 30/04/1995रोजी फेरफार नं. 487ने नोंदविलेली असुन सदरचा फेरफार दिनांक 26/10/1995रोजी मंजुर झालेला आहे. इ) वर कलम 1मध्ये वर्णन केलेल्या तक्रारी मिळकतीसह इतर 9मिळकती हया दिनांक 11/08/1995रोजी ज्युली हर्मन डिमेलो हया स्वताकरिता व पल हर्मन डिमेलो हिचे अ.पा. क. म्हणुन तर्फे कुलमुखत्यारधारक जगदीश अनंत कामत यांनी योग्य तो मोबदला घेवुन सुलोचना नंदकिशोर अगरवाल (फिर्यादी यांचे मयत सासु ) यांस खरेदीखतादवारे विक्री केलेले आहे. सदरचे नोंदणीकृत खरेदीखत दुय्यम निबंधक मावळ यांचे कार्यालयामध्ये दस्त क्र, 3407/1995ने नोंदविलेले आहे. गावकामगार तलाठी यांचे दफ्तरी सदर खरेदीखताची नोंद दि. 01/06/1996रोजी फेरफार क्र 491 ने दाखल केलेली असुन सदर ची नोंद दि. 26/06/1996रोजी मंजुर झालेली आहे. सदर फेरफाराची अमलबजावणी 7/12सदरी तक्रारी मिळकती वगळता झालेली आहे. ई) दि. 30/07/1996 रोजी फिर्यादी यांची सासु सुलोचना नंदकिशोर अगरवाल हया पुणे येथे मयत झाल्या मयत कै सुलो चेचना नंदकिशोर अगरवाल कायदेशीर वारस सुरेश नंदकिशोर अगरवाल मुलगा अशोक नंदकिशोर अगरवाल मुलगा मयत गिता अशोक अगरवाल सुन अनिल अशोक अगरवाल (नातु) अखिल अशोक अगरवाल (नातु) शितल निशांत अगरवाल (नात) उषा सुरेश जैन (मुलगी) असे आहेत उ) सदर तक्रार मिळकतीकरीता श्री प्रकाश मिश्रीमल पोरवाल यांनी श्रीमती ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो. अ.पा.क.श्रीमती ज्युली हर्मन डिमेलो यांजकडुन कुलमुखत्यारपत्र लिहुन घेतलेले आहे. सदर कुलमुखत्यारपत्र हे दि 30/10/2006रोजी दस्त अ क्र. बदर -3प्ट 7355/2006ने नोंदविलेले आहे. ऊ)

वर कलम 1मध्ये वर्णन केलेल्या तक्रार मिळकती या दि. 30/01/2014रोजी ज्युली हर्मन डिमेलो या स्वताकरीता व पल हर्मन डिमेलो अ.पा.क.श्रीमती ज्युली हर्मन डिमेलो तर्फे कु.मु.म्हणुन प्रकाश मिश्रीमल पोरवाल यांनी प्रकाश मिश्रीमल पोरवाल यास खरेदीखतादवारे विक्री केलेली आहे. सदरचे खरेदीखत दुय्यम निबंधक लोणावळा यांचे कार्यालयामध्ये दस्त क्र. 338/20214 ने नोंदविलेले आहे. गावकामगार तलाठी यांचे दफ्तरी सदर खरेदी खताची नोंद दिनांक 27/06/2014 रोजी फेरफार क्र 529ने दाखल केलेले असुन सदरची नोंद दिनांक 22/08/2014रोजी मंजुर झालेली आहे. ए) सदर तक्रार मिळकती करीता ज्युली हर्मन डिमेलो हे स्वताकरीता व पल हर्मन डिमेलो अ.पा.क.श्रीमती ज्युली हर्मन डिमेलो तर्फे कु.मु. म्हणुन प्रकाश मिश्रीमल पोरवाल यांनी महाराष्ट्र महसुल न्यायधिकरण पुणे विधानभवन पुणे 1यांचेकडे उपविभागीय अधिकारी मा वळ यांचे आदेश क्र 84 क/रिव्ही/एसआर/139/93 दि. 21/11/1994विरुद्ध आपील केली व महाराष्ट्र महसुल न्यायधिकरण पुणे विधानभवन पुणे 1यांचे आदेश Revision Appln No.TNC/REV/29/07/P अन्वये उपविभागीय अधिकारी मावळ यांचे आदेश क्र 84 क/रिव्ही/एसआर/139/93 दि. 21/11/1994 आदेश रद्द करुन मा. अव्वल कारकुन कुळकायदा मावळ यांचा निकाल कायम ठेवण्यात आलेला आहे. गावकामगार तलाठी यांचे दफ्तरी सदर हुकुमाची नोंद दि. 31/07/2014 फेरफार क्र, 350ने दाखल केलेले असुन सदर ची नोंद दिनांक 22/08/2014 रोजी मंजुर झालेली आहे. ऐ) फिर्यादी हीस तीची सासु कै सुलोचना नंदकिशोर अगरवाल हीचे मृत्युपश्चात तक्रार मिळकतीकरीता हक्क प्राप्त झाले व सदर तक्रार मिळकतीसह इतर 9 मिळकती करीता कै. हर्मन डिमेलो यांचे वारस पत्नी ज्युली हर्मन डिमेलो व मुलगी पल हर्मन डिमेलो यांनी फिर्यादी यास दिनांक 11/08/1995रोजी दस्त

## I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

क्र.3407/1995 ने खरेदी केलेले दस्तास मान्यतापत्र दस्ताद्वारे मान्यता दिलेली आहे. सदरचे नोंदणीकृत मान्यतापत्र दस्त हे दुय्यम निबंधक लोणावळा यांचे कार्यालयामध्ये दस्त क्र 1711/2018ने दि. 24/094/2018रोजी नोंदणी केलेली आहे. ओ) दिनांक 24/04/2018रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो यांनी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रद्दबादल दस्त केलेले आहे. सदरचे दस्त अँड डी आर चौधरी रजि नं. 6143 यांजकडे नोटरी यांजकडे नोंदणीक्रमाक 506/2018 ने नोंदविले असुन दि. 30/06/2006रोजी दिलेले कुलमुखत्यारपत्र कायमस्वरुपी रद्द केलेले आहे. अँ) दिनांक 25/05/2018रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो यांनी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रद्दबादल केलेले दस्ताची प्रत व दैनीक प्रभात पुणे वर्तमानपत्रामध्ये जाहीर नोटीस दिलेली आहे. अ:) दि.29/05/2018 रोजी 25/05/2018रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो यांनी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रद्दबादल केलेले दस्ताची प्रत व दैनीक प्रभात पुणे वर्तमानपत्रामध्ये जाहीर नोटीसची प्रत पोस्टाद्वारे दिलेली आहे. व ती त्यांना पोहचलेली आहे. क) फिर्यादी यांनी तक्रार मिळकती त्यांचे नावे होणेकरीता उपविभागीय अधिकारी मावळ मुळशी उपविभाग पुणे यांचे न्यायालयात दावा क्र RTS/ अ/एसआर/302/2018दाखल केलेला होता. त्याचा निकाल दिनांक 10/07/2020रोजी झालेला आहे.

3) फिर्यादी यांचे तक्रारीचे मुद्दे येणेप्रमाणे 1) तक्रार मिळकती या फिर्यादी यांनी खरेदी दस्त क्र. 3407/1995भारतीय दस्त नोंदणी कायदा मधील कलम 17अन्वये नोंदणीकृत असल्यामुळे व सदरचा दस्त कोणत्याही न्यायालयाने रद्दबातल ठरविले नसल्यामुळे सदरखरेदी दस्त हे फिर्यादी यासकतरिता आबाधीत आहेत. आरोपी प्रकाश मिश्रीमल पोरवाल याने तक्रारमिळकतीचे दुबार दस्त क्र. 338/2014ने दिनांक 30/01/2014 रोजी बेकायदा फिर्यादीचे नुकसान करणेकरीता व आरोपीचा बेकायदा फायदा करण्याचे उद्देशाने केलेला आहे. हा त्यांनी केलेला भाद विकाक 420प्रमाणे गुन्हा केलेला आहे. 2) दि. 24/04/2018रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो अ.पा.क.तर्फे ज्युली हर्मन डिमेलो यांनी आरोपी प्रकाश मिश्रीमल पोरवाल यास दि 30/10/2006रोजी दस्त अ क्र. बदर3 प्लट 7355/2006दिलेले कुलमुखत्यारपत्र करीता रद्दबादल दस्त केलेले आहे. सदरचा दस्त अँड डी आर चौधरी रजि नं. 6143 यांजकडे नोटरी यांजकडे नोंदणीक्रमाक 506/2018 ने नोंदविले असुन दि. 30/10/2006रोजी दिलेले कुलमुखत्यारपत्र कायमस्वरुपी रद्द केलेले आहे. व त्यानंतर दि.25/05/2018 रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो अ.पा.क.तर्फे ज्युली हर्मन डिमेलो यांनी आरोपी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रद्दबादल केलेले आहे. त्याकरीता दैनीक प्रभात पुणे वर्तमानपत्रामध्ये जाहीर नोटीस दिलेली आहे. व त्यानंतर दिनांक दि.25/05/2018 रोजी ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो अ.पा.क.तर्फे ज्युली हर्मन डिमेलो यांनी आरोपी प्रकाश मिश्रीमल पोरवाल यास दिनांक 30/10/2006रोजी दस्त अनु क्र बदर-3 IV 7355/2006ने दिलेले कुलमुखत्यार पत्रकरीता रद्दबादल करीता केलेल्या दस्ताची प्रत दैनीक प्रभात पुणे वर्तमानपत्रामध्ये जाहीर नोटीस दिलेली प्रत पोस्टा द्वारे आरोपीस दिलेली आहे. व ती आरोपीस पोहच झालेली आहे. सदर तक्रार

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १)

मिळकतीसह इतर 9 मिळकती करीता ज्युली हर्मन डिमेलो व मुलगी पल हर्मन डिमेलो यांनी अ.पा.क.तर्फे ज्युली हर्मन डिमेलो तर्फे कुलमुखत्यारपत्रधारक जगदीश अनंत कामत यांनी फिर्यादी यांची सासु कै सुलोचना नंदकिशोर अगरवाल यास दिनांक 11/08/1995 रोजी दस्त क्र.3407/1995 ने खरेदी केलेले दस्तास ज्युली हर्मन डिमेलो व पल हर्मन डिमेलो यांनी मान्यतापत्र दस्ताद्वारे मान्यता दिलेली आहे. सदरचे नोंदणीकृत मान्यता पत्र दस्त हे दुय्यम निबंधक लोणावळा यांचे कार्यालयामध्ये दस्त क्र 1711/2018ने नोंदविलेले आहे. असे असताना सुद्धा आरोपी प्रकाश पोरवाल यांनी जानुनबुजुन उपविभागीय अधिकारी मावळ मुळशी उपविभाग पुणे यांचे न्यायालयात दावा क्रमांक RT

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(केलेली कारवाई: बाब क्र.२ मध्ये नमूद केलेल्या कलमान्वये वरील अहवालावरून अपराध दिसून आल्यामुळे):

- (1) Registered the case and took up the investigation (प्रकरण नोंदविले आणि तपासाचे काम हाती घेतले): or (किंवा):
- (2) Directed (Name of I.O.) (तपास अधिका-याचे नाव): Rank (हद्द): पोलीस निरीक्षक Anil Manohar lavate  
No. (क्र.): PSI to take up the Investigation (तपास करण्याचे अधिकार दिले) or (किंवा)
- (3) Refused investigation due to (ज्या कारणामुळे तपास करण्यास नकार दिला):  
or (किंवा)
- (4) Transferred to P.S. (गुन्हा दुसरीकडे पाठविला असल्यास त्या पोलीस ठाण्याचे नाव):  
District (जिल्हा): on point of jurisdiction (अधिकाराच्या दृष्टिकोनातून).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost. (प्रथम खबर तक्रारदाराला/खबरीला वाचून दाखविली, बरोबर नोंदविली असल्याचे त्याने मान्य केले आणि तक्रारदाराला/खबरीला खबरीची प्रत मोफत दिली)

R.O.A.C. (आर.ओ.ए.सी.)

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

Signature of Officer in charge, Police  
Station (ठाणे प्रभारी अधिका-याची  
स्वाक्षरी)

14. Signature / Thumb impression  
of the complainant / informant  
(तक्रारदाराची/खबर देणा-याची  
सही/अंगठा)

Name (नाव): TAYUB UNUS  
MUZAWAR

Rank (हुद्दा): I (Inspector)

No. (क्र.): PCMH82968

15. Date and time of dispatch to the court (न्यायालयात पाठवल्याची तारीख व वेळ):

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

Attachment to item 7 of First Information Report (प्रथम खबरीतील मुद्दा क्र. ७ ला जोडपत्र)

Physical features, deformities and other details of the suspect/accused: ( If known / seen )

(संशयीत/आरोपीचे (माहित असलेले या/पाहिलेले या) शारीरिक वैशिष्ट्ये, वय आणि इतर तपशील)

S. No. (अ.क्र.)	Sex (लिंग)	Date / Year Of Birth (जन्म मत्तारीख वर्ष)	Build (बांधा)	Height (cm) (उंची(से मी))	Complexion (रंग)	Identification Mark(s) (ओळखीचे या खुणा)
1	2	3	4	5	6	7
1	पुरुष	1966				
चेचक: क्र.						
Deformities / Peculiarities (वयं वैशिष्ट्ये)	Teeth (दात)	Hair (केस)	Eye (डोळे)	Habit(s) (सवयी)	Dress Habit (s) (पोशाखाचे य सवयी)	
8	9	10	11	12	13	
Language/Dia lect (भाषा/बोली)	Place of (चे ठिकाण)			Others (इतर)		
Burn Mark (भाजलेले याचे खुणा)	Leucoderm a (कोड)	Mole (तिळ)	Scar (दग)	Tattoo (गोदण)		
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(जर तक्रारदार/माहिती देणा-याने संशयीत/आरोपीविषयी एक किंवा व यापेक्षा अधिक तपशील दिले यास फक्त त यातील रकाने यांची नोंद घेतली जाईल)

## FIRST INFORMATION REPORT

(Under Section 154 Cr. P.c.)

1.	State	Distt	Police Station	Year	FIR No.	Date
		Pune Gramin	Lonawala City	2021	0277	02.07.2021 12.45
2.		Sr No.	Acts	Sections		
		1	IPC 1860	404		
		2	IPC 1860	406		
		3	IPC 1860	420		
		4	IPC 1860	504		
		5	IPC 1860	506		
3.		(a)	Occurrence of Offence			
		1	Day in between	Date 30.01.2014		
			Time period	Date 02.07.2021		
				Time from: 13.00		
				Time to 12.00		
		(b)	Information received as P.S.	02.07.2021		12.00
		(c)	General Diary Reference Entry No. 011	02.07.2021 1		12.29
4.			Type of Information - Written	Written/Oral - Written		
5			Place of Occurrence			

	a	Direction and distance from P.S. 10 km.	
	b	Address of occurrence name	
	c	In case, outside the limit of this police station then Name of P.S.	
		District (State)	
		Address:	Kevare, Tal. Maval, Dist. Pune, Survey No.
		Incase, outside the limit of this Police Station, then Name of P.S.	
		District (State)	Pune Gramin, Maharashtra
6		Complainant/Information	
	a.	Name -	Smt. Geeta Asshok Agarwal
	b.	Father's/Husband name -	
	c.	Date of Birth/ year - 1987	
	d.	Nationality – Indian	Religion-
	e.	UID No.	
	f.	Passport No.	Date of Issue Place of issue

	g.		Address		
			Sr. No.	Address Type	Address
	i.	Occupation	House wife		
7	Detail of known/suspected./unknown accused with full particular. Accused more than				
	Sr. No.	Name	Present Address		
	1	Present address	Vardhman Society, Hanuman Vatika, Pradhan Park, Lonawala city, Pune Gramin, Maharashtra, India		
	2.	Present address	Vardhman Society, Hanuman Vatika, Pradhan Park, Lonawala city, Pune Gramin, Maharashtra, India		
	Phone No.		Mobile No.		
7.	Details of known / suspected / unknown accused with full particulars.				

Accused More than :

Sr. No.	Name	Alias	Relative Name	Present Address
1.	Prakash Mishrimal Porwal			1) Town / Village, Mauje Bhushi Survey No.
				2) Tehsil, Police Station, Lonawala, Dist. Pune Gramin, Maharashtra, India
				3) Town/Village Lonwala, Tal. Magal, Dist. Tehsil, Police Station, Lonawala, Dist. Pune Gramin, Maharashtra, India

8. Reason for delay in reporting by the complainant/Information. –

9. Particular of properties of interest

Sr. No.	Property Category	Property Type	Description	Value (in Rs.)
1				

10. Total value of property (in Rs.)

11. Inquest Report/ U. D Case No. if any

Sr. No.	UIDB Number
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12. F.I.R. information brief content

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Signature of Officer in Charge,

Police Station

Name : Dilip Shishupal Pawar

Rank : Inspector

No.

14. Signature/Thumb Impression

Of the complainant /informant

15. Date and time of dispatch to the court

Attachment to Item 7 of First Information Report

Physical features, deformities and other details of the accused						
Sex	Date/Year of birth	Build	Height in Cms.	Complexion	Identification Marks	
1	2	3	4	5	6	
Male	1966	-	-	-	-	

	Deformities/peculiarities	Teeth	Hair	Eye	Habit(s)	Dress Habit	Language /Dialect
	8	9	10	11	12	13	14
	--	-	-	-	-	-	-

PLACE OF					Other Features
Burn Mark	Leucoderma	Mole	Scar	Tattoo	
15	16	17	18	19	20

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These fields will be entered only if complainant / informant gives any one or more particulars about the suspect /accused.

Complainant health is not in good condition for the last 7 to 8 years. Also the plaintiff is not able to walk properly at present. Accused Prakash Misrilal Porwal is a resident of Lonavla and by falsely presenting a dispute over the land of the helpless and needy people in Jumla and saying that the government is a Darbari identity and Daara, the government has written a power of attorney from him for the work of the government durbar court and misused it, he is doing the business of stealing the land of the helpless and needy people. The business of the accused is to make it white. The accused has taken full advantage of the complainant's husband's illness and after that the complainant has become a widow by making a conspiracy and swallowed the complaint. Superintendent of Police Lonavla Division has been sent to Lonavla and other 10 famous persons. But after the accused came to know that no legal action has been taken against the accused and the plaintiff filed a complaint against the accused, Accused abused the plaintiff and threatened to kill him. Therefore, the plaintiff has been forced to file the present complaint in the court. And the crime committed by the accused is as follows- Review for the complaint 2) Mauje Kevregaon and land in Maval District Pune) Survey no. 66/12 Total Area 00.48R b) Survey no. 75/1/3 Total Area 01.44R c) Survey no. 64/6 Total Area 00.225) Survey no. 65 / 5 Total area 100.16 Henceforth the said income is referred to as complaint income. A) Above clause no. 1 property described is dated 10/12/2021 by 1) Bhagu Balu Dalvi, 2) Savitribai Nayu Dalvi 3) Mungabai Laxman Pathare 4) Gangabai Narayan Mhaskar 5) Rangubai Kisan Phatak 6) Kasubai Nathuni Dalvi and Herman Aranus after receiving due compensation. DeMelo is marketed through purchase agreements. The said registered purchase deed registered in the office of Sub-Registrar Maval Maval No. 3965/1987 has been recorded, The entry of said purchase of fertilizer in the notebook of Village Worker Talathi dated 15/04/1988 Change no. 446 has been filed and the said entry has been approved on 18/06/1988 under section 84A of attorney. b) In respect of the plaint income described in Clause 1 above and other 9 properties, Herman Aranus DiMelo died on 15/07/1991 and his legal heirs are his

wife Julie Herman DiMelo and daughter Paul Herman DiMelo in the register of Village Worker Talathi dated 01/05/ 1992 vide amendment no. 462 and the said record is this. Approved on 27/05/1992. c) For the complaint income described in the above section. Order No. from Tehsildar Saheb Maval. Case No./84K/S/R/266,267,269,270/92 dated 03/04/1993 vide modification no. 446 entry has legalized the transaction. And on 7/12, the comment under Section 84A of other rights has been reduced. Entry of the said order in the office of Village Worker Talathi dated 23/04/1993 vide no. 468 and the said modification has been approved on 01/05/1993. d) For receipt of complaints described in Clause 1 above from Hon'ble Sub Divisional Officer Sub Division Pune Order no. 84 C/Rev/SR/139/93 dated 21/11/2994 the said income has been deposited by the head. Entry of the said order in the office of Village Worker Talathi dated 30/04/1995 vide no. 487 and the said modification has been approved on 26/10/1995. e) Take other 9 properties including the complaint proceeds described in Section 1 above Dated 11/08/1995 Julie Herman DiMello for herself and Paul Herman DiMello Ap. c. Therefore, on behalf of the Attorney holder Jagdish Anant Kamat has sold the purchase property to Sulochana Nandkishore Agarwal (deceased mother-in-law of the plaintiff) after taking appropriate consideration. The said registered purchase deed in the office of the Sub-Registrar Maval, Deed No. 3407/1995 has been registered. Village worker Talathi's office recorded the said purchase deed Amendment No. 491 filed on 01/06/1996 and the said entry dated Approved on 26/06/1996. The implementation of the said change has been done on 7/12 excluding the income complaints. E) On 30/07/1996 plaintiff's mother-in-law Sulochana Nandkishore Aggarwal died at Pune Deceased Sulocha Chana Nandkishore Aggarwal Legal Heir Suresh Nandkishore Aggarwal Son Ashok Nandkishore Aggarwal Son Deceased Geeta Ashok Aggarwal Daughter-in-law Anil Ashok Aggarwal (Grandson) Akhil Ashok Aggarwal (Grandson) Shital Nishant Agarwal (Granddaughter) Usha Suresh Jain (Daughter) are viz. g) Mr. Prakash Mishrimal Porwal Mrs. Julie Haman DiMello and Paul Herman DiMello for

the said Complaint Income. A.P. C. A power of attorney has been written by Mrs. Julie Herman DiMelo Yanj. The said Attorney General Letter dated 30/10/2006 Document no. Badar 3PT 7355/2006 is registered. H) Complaint proceeds as described in clause 1 above. On 30/01/2014 Julie Herman DiMello for herself and Paul Herman DiMello A.P.C. By Mrs. Julie Herman DeMello Purchased and sold by Prakash Mishrimal Porwal as Custodian. The said purchase deed in the office of the Sub-Registrar, Lonawala, document no. 338/20214 is registered. The entry of the purchase of fertilizer in the notebook of village worker Talathi has been filed on 27/06/2014 with amendment no. 529 and the said entry has been approved on 22/08/2014. A) Julie Herman DiMello for herself and Paul Herman DiMello A.P.K. Ms. Julie Herman DiMello for the said complaint income. Accordingly, Prakash Misrilal Porwal submitted to the Maharashtra Revenue Tribunal Pune Vidhan Bhavan Pune 1 Sub Divisional Officer's Order No. 84 C/Rev/SR 139/93 dt. 21/11/1994 appealed against and the order of the Maharashtra Revenue Tribunal Pune Vidhan Bhavan Pune 1 Revision Appln No. Order No. 84 C/Rev/SR/139/93 of the Sub Divisional Officer Maval vide TNC/REV/29/07/P. By canceling the order dated 21/11/1994. The verdict of top cultist Maval has been upheld. The notebook of the village worker Talathi recorded the said decree dt. 31/07/2014 AMENDMENT NO. 350 has been filed and the said entry has been approved on 22/08/2014. A) Plaintiff's mother-in-law K Sulochana Nandkishore Agarwal got the right for the complaint income after her death and for the said complaint income along with other 9 incomes. Heirs of Herman DiMello Wife Julie Herman DiMello and daughter Paul Herman DiMello Plaintiff dated 11/08/1995, No. 3407/1995 has been approved by the deed of purchase. The registered certificate of approval is Document No. 1711/2018 in the office of the Second Registrar, Lonawala. Registered on 24/094/2018. i) On 24/04/2018 Julie Herman DiMello and Paul Herman DiMello have canceled the Kulmukhtar Journalist Deed dated 30/10/2006 dated 30/10/2006 vide Dast No. Badr-3 IV 7355/2006. The said Dast & DR Chaudhary Reg no. 6143 Registered with Notary with

registration number 506/2018 and the power of attorney issued on 30/06/2006 is permanently cancelled. j) Copy of attorney Journalism Canceled Deed dated 25/05/2018 to Prakash Mishrimal Porwal dated 30/10/2006 dated 30/10/2006 by Julie Hermen DiMello and Paul Hermen DiMello and in Daily Prabhat Pune newspaper. A public notice has been given. A) Dt. 29/05/2018 dated 25/05/2018 Julie Herman DiMello and Paul Hermon DiMello to Prakash Mishrimal Porwal dated 30/10/2006 DAST No. Badr-3 IV 7355/2006 KULMUKHTAYAR JOURNALISM CANCELED COPY AND DIARY A copy of the public notice has been posted in Prabhat Pune newspaper. And it has reached them. c) Plaintiff filed suit No. RTS/A/SR/302/2018 in the court of Sub-Divisional Officer Maval Mulshi Sub-Division Pune in order to get his name on the complaint. Its result is on 10/07/2020. 3) Complaints of the plaintiff as follows 1) Complaint Income The plaintiff has purchased purchase order no. 3407/1995 as registered under Section 17 of the Indian Registration of Deeds Act and the said Deed has not been canceled by any Court, the said Deeds have been acquired by the Plaintiffs. Accused Prakash Mishrimal Porwal filed complaint no. 338/2014 dated 30/01/2014 with the intention of causing damage to the plaintiff and illegally benefiting the accused. This is an offense under section 420 of IPC. 2) On 24/04/2018 Julie Hermen DiMello and Paul Hermen DiMello A.P.C. by Julie Hermen DiMello accused Prakash Mishrimal Porwal on 30/10/2006 Document no. Badar 3 plot 7355/2006 has been canceled for the power of attorney issued. The said Document & DR Chaudhary Reg no. 6143 Registered with Notary with registration number 506/2018 and the Power of Attorney issued on 30/10/2006 is permanently cancelled. And then d. On 25/05/2018 by Julie Herman DiMello & Paul Herman DiMello A.P.C. Attorney General Journalism Rejection issued by Julie Herman DiMello to Accused Prakash Mishrimal Porwal dated 30/10/2006 in Document No. Badr-3 IV 7355/2006 is done for that a public notice has been given in Daily Prabhat Pune newspaper. And then dated On 25/05/2018 Julie Herman DiMello and Paul Herman DiMello A.P.C. A copy of the writ dated

30/10/2006 issued by Julie Herman DiMelo to the accused Prakash Mishrimal Porwal for attorney Journalism Radwadal has been given to the accused by post. And it has reached the accused. The said complaint property along with other 9 property by Julie Herman DiMello and daughter Paul Herman DiMello on behalf of A.P.C. by Jagdish Anant Kamat, Power of Attorney on behalf of Julie Herman DiMello to plaintiff's mother-in-law Sulochana Nandkishore Agarwal dated 11/08/1995 Document No.3407/ 1995 Purchased Deed Endorsed by Julie Herman DeMello and Paul Herman DeMello by Deed of Endorsement. The said registered deed of approval has been registered in the office of the Deputy Registrar, Lonawala vide Document No. 1711/2018. In spite of this, the accused Prakash Porwal deliberately filed suit No. RT in the court of Sub Divisional Officer Maval Mulshi Sub Division Pune



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**Reply on behalf of Respondent No. 9 and 10 in OA 103 of 2022 between Prakash Mishrimal Porwal v. MoEF & CC & Ors.**

1 message

**Samridhi Jain** <samridhi12318@gmail.com>

Sat, Apr 22, 2023 at 1:29 PM

To: Saurabh Kulkarni <sdkadvocate@gmail.com>, secy-moef@nic.in, envis.maharashtra@gmail.com, eeird.punewrd@maharashtra.gov.in, lawofficerpune@gmail.com, ccftpune@gmail.com, aniruddha1488@gmail.com, advocatedangare@yahoo.co.in, "advocatedangare@gmail.com" <advocatedangare@gmail.com>, kaavya10jan@yahoo.com

Cc: Sangramsingh Bhonsle <sangramsinghbhonsle@gmail.com>, Pawan Kumar <pawan2110k@gmail.com>

Sir/Ma'am

PFA herewith

Reply on behalf of Respondent No. 9 and 10 in the aforesaid matter.

Kindly consider this email as service on behalf of the Respondent No. 9 and 10.

Thanks & Regards,  
Samridhi Jain, Advocate  
Supreme Court of India  
A-10, LGF, Lajpat Nagar III,  
New Delhi - 110024  
Mob. 9890210579

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 **Nitin & Eesh Agarwal Reply OA 103 of 2022-1.pdf**  
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