

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN BENCH) PUNE**

Original Application No. 103 of 2022

BETWEEN:

Mr. Prakash Mishrimal Porwal ...Applicant

Versus

Ministry of Environment Forest and

Climate Change & Ors.

...Respondents

**SHORT AFFIDAVIT ON BEHALF OF THE RESPONDENT
NO.9 AND 10.**

(FOR INDEX, KINDLY SEE INSIDE)

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN BENCH) PUNE**

Original Application No. 103 of 2022

BETWEEN:

Mr. Prakash Mishrimal Porwal

...Applicant

Versus

Ministry of Environment Forest and

Climate Change & Ors.

...Respondents

INDEX

SR.NO	PARTICULARS	PAGE NO.
1.	Short Affidavit on behalf of the Respondent No. 9 and 10.	205-216
2.	ANNEXURE A-1: A copy of the letter dated 26.12.2022 issued by the Respondent No. 9 and 10 to the Joint Committee.	217-226
3.	ANNEXURE A-2 colly: A copy of Representation dated 20.01.2023 filed by the Respondent No. 9 and 10 before the Respondent No. 5 along with its annexures.	227-352



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

& Riway Rai
ADVOCATES

A-10, LGF, Lajpat Nagar III,
New Delhi-110024

Mbl: 9890210579

samridhi12318@gmail.com

Place: Pune.

Date: 26.01.2023

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(WESTERN BENCH) PUNE**

Original Application No. 103 of 2022

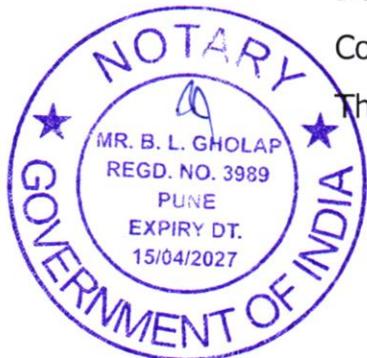
BETWEEN:

Mr. Prakash Mishrimal Porwal	...Applicant
Versus	
Ministry of Environment Forest and Climate Change & Ors.	...Respondents

SHORT AFFIDAVIT

I, Nitin Vishwanath Agarwal, Age: Adult, Occ: Business, R/at: Eesh Krupa, Near Vijaya Bank, Lonavala, Pune, Maharashtra-410401 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. I say that one Mr. Prakash Mishrimal Porwal, i.e, the Applicant herein has filed the present Original Application alleging illegal mining of minor minerals at Villages Kusgaon, Kole Chafeshwar, Chavsar, Thakursai, Varu and Phagne before this Hon'ble Tribunal. The aforesaid matter was listed before this Hon'ble Tribunal on 05.12.2022, wherein this Hon'ble Tribunal was pleased to constitute a Committee comprising of (i) The Irrigation Department, Water Resources Division, Pune, (ii) The District Collector Pune and (iii) The District Mining Officer, Pune and (iv) The Chief Conservator of Forests, Pune to visit the spots of alleged



illegal mining and submit a factual as well as Action Taken report to this Hon'ble Tribunal **after issuing notices and giving hearing to the parties.** The District Mining Officer, Pune was made a co-ordinator of the Joint Committee. It is submitted that this Hon'ble Tribunal vide its order dated 05.12.2022 categorically directed the Committee to visit the spots of alleged illegal mining **only after issuing notices to the parties. Further, the Committee was directed to submit a factual and Action Taken Report giving hearing to the parties.** The O.A. No. 103/2022 was thereafter directed to be listed before the Hon'ble Tribunal on 27.01.2023.

3. However, it is submitted that, the Respondent No. 9 and 10 were informed that the Committee had undertaken an Inspection of the alleged spots on 23.12.2022 in the presence of Mr. Porwal, i.e, the Applicant but no notices were issued to other Respondent. The Respondent No. 9 and 10 were represented by their Counsel during the hearing on 05.12.2022. Thus, the Respondent No. 9 and 10 on 26.12.2022 wrote to all the members of the Joint Committee informing about the categoric directions of this Hon'ble Tribunal passed vide its order dated 05.12.2022 in O.A. No. 103/2022, requesting the Committee to give prior notice to the Respondent No. 9 and 10 before visiting the alleged spots and submit **a factual and Action Taken Report before the Hon'ble Tribunal only after giving hearing to the undersigned.** A copy of the letter dated 26.12.2022 issued by the Respondent No. 9 and 10 to the Joint Committee is enclosed herewith as **ANNEXURE A-1.**



4. That even after the submission of the letter dated 26.12.2022, no notice was received by the Respondent No. 9 and 10 until 20.01.2023 by the Joint Committee, thus, the Respondent No. 9 and 10 made a Representation dated 20.01.2023 to the Respondent No. 5 raising its preliminary objections before the Joint Committee challenging the Site Visit dated 23.12.2022. A copy of Representation dated 20.01.2023 filed by the Respondent No. 9 and 10 before the Respondent No. 5 along with its annexures is enclosed herewith as **ANNEXURE A-2 colly**.

5. I say that the Joint Committee was constituted by this Hon'ble Tribunal comprising one member from the Irrigation Department, Water Resource Division, Pune, The District Collector Pune, The District Mining Officer Pune and the Chief Conservator of Forest Pune vide the Order dated 05.12.2022 passed by this Hon'ble Tribunal in O.A. No. 103 of 2022. It is therefore submitted that the Joint Committee though not being a statutory authority, derived its powers to execute the necessary actions in law as the same was constituted by this Hon'ble Tribunal in exercise of its powers u/s 19 of the National Green Tribunal Act, 2010.

6. In terms of the judgment of the Hon'ble Supreme Court in (2019) 8 SCC 177 the Joint Committee constituted by this Hon'ble Tribunal in O.A. No. 103 of 2022 vide the order dated 05.12.2022 has been constituted by the Hon'ble Tribunal while exercising its enabling powers u/s 19 of the National Green Tribunal, 2010 r/w Order 26 of the Civil Procedure Code and therefore the Committee is bound to comply with the provisions of Order 26 of the Civil Procedure Code. Any action contrary to the provision of Order 26



of the Civil Procedure Code by the Committee would amount to violation of the principles of natural justice which guides the procedure of this Hon'ble Tribunal u/s 19(1) of the National Green Tribunal Act, 2010.

7. On perusing the provisions of Order 26 Rule 16 any Committee appointed under Order 26 may examine and call upon the parties to give evidence in the matter referred to the Committee, unless otherwise directed by the Order of appointment. In the present case, on perusing the Order dated 05.12.2022 passed by this Hon'ble Tribunal, rather the Hon'ble Tribunal had directed the Joint Committee to undertake inspection and submit an action taken report after hearing the parties. In this context, it is submitted that as on today i.e. 25.01.2023 a period of 1 and a half month has been lapsed from the passing of the order dated 05.12.2022, however, till date, no notice in terms of the directions issued by the Hon'ble Tribunal in paragraph 11 of the Order dated 05.12.2022 has been served upon the Respondent No. 9 & 10.
8. Be that as it may, it has come to the notice of the Respondent No. 9 & 10 that in terms of the order dated 05.12.2022 that the Committee had undertaken its inspection on 23.12.2022 in the presence of the Applicant. Also, we are in possession of a letter dated 09.01.2023 issued by the office of the Respondent No. 4 wherein the Respondent No. 4 has categorically admitted that the inspection was undertaken on 23.12.2022 in terms of the Order dated 05.12.2022 issued by the Hon'ble Tribunal. In this context it is submitted that the letter dated 09.01.2023 clearly corroborates the fact that the Joint Committee have undertaken



the inspection on 23.12.2022 without issuing notices and providing an opportunity to the Respondent No. 9 & 10 to raise any objection of whatsoever nature as enumerated in paragraph 11 of the Order dated 05.12.2022. This action of the Committee is in violation of the directions issued by the Hon'ble Tribunal dated 05.12.2022 and are also violative of the provisions of Order 26 Rule 16 of the Civil Procedure Code. In such circumstances, unless the Joint Committee withdraws the Action taken Report prepared in pursuance of the inspection conducted on 23.12.2022 with immediate effect, the Respondent No. 9 & 10 reserve their rights to initiate appropriate proceedings against the Joint Committee as prima facie the inspection on 23.12.2022 seems to have been conducted at the instance of the Applicant and therefore the Joint Committee seems to be hand in gloves with the Applicant. The copy of the letter dated 09.01.2023 issued by the office of the Respondent No. 4 forms a part of the representation dated 20.01.2023 filed by the Respondent No. 9 and 10 before the Respondent No. 5.

9. Further, without prejudice to the contentions raised hereinabove, it is submitted that, in terms of Order 26 Rule 10 of the Civil Procedure Code any Committee constituted by a Court u/s 75(b) of the Civil Procedure Code is bound to return the report in writing signed by the Committee to the Court. Thus, vide the order dated 05.12.2022, a statutory obligation was casted upon the Joint Committee to submit the Action taken Report only to the Hon'ble Tribunal. However, on 10.01.2023, the Applicant in a WhatsApp group viz. "**Proud to be Jain**" which otherwise has a wide



circulation in the city of Lonavala made public the letter dated 09.01.2023 of your esteemed Office, which forms the basis of the Report of the Joint Committee without the same being filed before the Hon'ble Tribunal under Order 26 Rule 10 of the Civil Procedure Code. The copy of the WhatsApp extract of the Group viz. "**Proud to be Jain**" dated 10.01.2023 already forms a part of the Objections dated 20.01.2023.

10. I say that the Order dated 05.12.2022 passed by the Hon'ble Tribunal in O.A. No. 103 of 2022 categorically called upon the Joint Committee to visit the spot and submit a factual as well as an Action taken Report within a period of 1 month from 05.12.2022 after issuing notices and giving a hearing to the parties. Furthermore, in the said order, the Report in O.A. No. 103 of 2022 was to be filed by the committee at ngt-pune@gov.in. Thus from the tenor of the Order dated 05.12.2022, the Hon'ble Tribunal sought the compliance of Order 26 Rule 10 by the Joint Committee to the point that the Report of the Joint Committee was to be submitted before the Hon'ble Tribunal. However, it is surprising that even before the Report of the Joint Committee has been filed by the Committee on the e-mail address as directed by the Hon'ble Tribunal in its Order dated 05.12.2022, the Applicant as on 10.01.2023 has laid his hands on the Letter dated 09.01.2023 (which stipulates the inspection to have been done on 23.12.2022) which is against the expressed direction and the intentions of the Hon'ble Tribunal in its Order dated 05.12.2022. Since the Applicant is already in possession of your Letter dated 09.01.2023 and has made the same public on 10.01.2023, the



action of the Joint Committee, raises a serious doubt towards the integrity and the admissibility of the Letter dated 09.01.2023 and also of the fact as to whether the Inspection carried out on 23.12.2022 was independent of the influence of the Applicant. In terms of the Order dated 05.12.2022, the Joint Committee was to undertake the visit to the spot after issuing notice and giving hearing to the parties, however, the fact that the Joint Committee has not issued any such Notice to the Respondent No. 9 & 10, the same corroborates the fact that there is a serious compromise with the integrity and the admissibility of the Inspection dated 23.12.2022 and the Letter dated 09.01.2023 and further affirms that the said Inspection was not an independent Inspection in terms of the Order dated 05.12.2023 and was completely under the influence of the Applicant. Thus it is the case of the Respondent No. 9 & 10 that the data and information forming a part of the Inspection dated 23.12.2022 and the letter dated 09.01.2023 is compromised so as to merely substantiate the allegations of the Applicant without any serious endeavor in ascertaining the factual reality thereby defeating the intention of the directions in the Order dated 05.12.2022 passed by the Hon'ble Tribunal.

11. 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



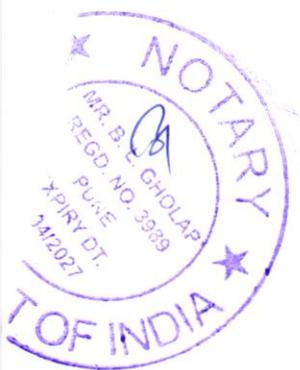
therefore pleased to direct the Hon'ble Tribunal when objections with regards to bonafides and credentials of Applicants are seriously raised when entertaining the grievance of such Applicants, which is likely to adversely affect the rights of many, it should ensure the bonafides and credentials of such Litigants. In view of the Judgment passed by the Hon'ble Supreme Court, it is therefore now necessary to ensure the credentials and bonafide's of the Applicant in the present case.

12. As already stated herein above, since the Joint Committee has been constituted in exercise of the powers u/s 19 of the NGT Act, 2010 r/w Order 26 Rule 10 of the Civil Procedure Code, nothing preempts this Committee from accepting evidence which raises more than a substantial doubt with regards to the bonafide's and credentials of the present Applicant. On perusing the O.A. No. 103 of 2022, the major bone of contention of the Applicant is against the Respondent No. 9 who otherwise is 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 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 had registered an FIR against the Respondent No. 9. However, the investigating agency after investigating into the alleged offence had submitted an NC Report before the Hon'ble Court. However, the Ld. JMFC vide its Order dated 25.09.2019 was pleased the reject the NC Final Report 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 NC Report submitted by the Investigating Officer already forms a part of the Representation dated 20.01.2023 and is therefore not annexed again.

- 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 Offer already forms a part of the Representation dated 20.01.2023 and is therefore not annexed again.
- 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 CrPC dated 21.12.2022 has been registered by Mr. Kirit Somaiyya 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 NCR 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 NCR Report No. 770 of 2022 already forms a part of the Representation dated 20.01.2023 and is therefore not annexed again.

- d. The Ld. Sub Divisional Officer in RTS Appeal No. A/486 of 2020 vide his Order dated 07.01.2021 has set aside the Order dated 14.04.2020 issued by the Tehsildar of Maval directing one Mr. Akhil Ashok Agarwal 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 Mr. Akhil Ashok Agarwal at the instance of the Applicant. Interestingly, the Applicant has arrayed Mr. Akhil Ashok Agarwal as Respondent No. 12 in the O.A. No. 103 of 2022. 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 already forms a part of the Representation dated 20.01.2023 and is therefore not annexed again.
- e. Also, Mr. Akhil Ashok Agarwal as a Power of Attorney Holder of one Pearl D'mello on 14.07.2021 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 Mr. Akhil Ashok Agarwal. Similarly, the mother of Mr. Akhil Ashok Agarwal 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 counterblast to all these complaints made by Mr. Akhil Ashok Agarwal, 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 already forms a part of the Representation dated 20.01.2023 and is therefore not annexed again.

The copy of the Order dated 24.06.2021 passed by the Ld. JMFC along with the FIR No. 277 of 2021 already forms a part of the Representation dated 20.01.2023 and is therefore not annexed again.

- 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.

g. In view of the contentions raised herein above, the Respondent No. 9 & 10 are filing the present Short Affidavit before this Hon'ble Tribunal, only to bring on record the high handedness of the Joint Committee and its refusal to comply with the directions issued by the Hon'ble Tribunal dated 05.12.2022 in O.A. No. 103 of 2022. Also, this Hon'ble Tribunal may be pleased to take cognizance of the malafide intentions of the Applicant in filing the present Original Application and therefore it is prayed that this Hon'ble Tribunal may be pleased to dismiss the present Original Application with exemplary costs.

Whatever stated hereinabove is true and correct to the best of my knowledge and belief and no material has been concealed therefrom.

ENAgal *MAgarwal*
 DEPONENT

VERIFICATION

Verified at _____ on this 25th day of January 2023 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

ENAgal *MAgarwal*
 DEPONENT



BEFORE ME

ENAgal
 MR. B.L. GHOLAP
 NOTARY, GOVT. OF INDIA
 PUNE

Noted and Registered
 at Serial Number *44/2023*
 Date:- **25 JAN 2023**



ANNEXURE A -1

Date : - 26.12.2022

From,

1. Nitin Vishwanath Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.
2. Eesh Nitin Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.

To,
The District Mining Officer,
New Collector Office Building,
Station Rd,
Opposite Sasoon Hospital,
Pune, Maharashtra

Subject: Order dated 05.12.2022 passed by the Hon'ble National Green Tribunal, Western Bench, Pune in Original Application No. 103/2022.

Reference: Inspection conducted by your Ld. Office at Villages Kusgaon, Kole Chafeshwar, Chavsar, Thakursai, Varu and Phagne on 23.12.2022.

Sir,

1. One Mr. Prakash Porwal has filed an Original Application No. 103/2022 before the Hon'ble National Green Tribunal Pune alleging illegal mining of stone, murrum, clay and gravel being undertaken at Gut No. 235, Kusgaon, Survey No. 21 Kole Chafeshwar, Survey No. 81 to 103 Kole Chafeshwar, Survey No. 74 Chavsar, Thakursai, Varu and Phagne. Mr. Porwal has alleged illegal mining being undertaken at the behest of the undersigned, amongst others. The undersigned have been arrayed as Respondent No. 9 and 10 in the said Original Application.
2. The Hon'ble Tribunal vide its order 05.12.2022 in OA No. 103/2022 was pleased to constitute a Committee comprising of (i) The Irrigation Department, Water Resources Division, Pune, (ii) The District Collector Pune and (iii) The District Mining Officer, Pune and (iv) The Chief Conservator of Forests, Pune to visit the spots of alleged illegal mining and submit a factual as well as Action Taken report to the

17 26.12.22
आवक
जिल्हाधिकारी कार्यालय पुणे
खनिकर्म शाखा

Tribunal after issuing notices and giving hearing to the parties. The District Mining Officer, Pune was made a co-ordinator of the Joint Committee.

3. It is submitted that the Hon'ble Tribunal vide its order dated 05.12.2022 categorically directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties. Further, the Committee was directed to submit a factual and Action Taken Report giving hearing to the parties.
4. However, it is submitted that, the undersigned has been informed that the Committee has undertaken an Inspection of the alleged spots on 23.12.2022 in the presence of Mr. Porwal, but no notices were issued to the undersigned.
5. Thus, it is brought to the notice of your Ld. Office that the order dated 05.12.2022 of the Hon'ble Tribunal has directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties and submit a factual and Action Taken Report before the Hon'ble Tribunal after giving hearing to the parties. The undersigned are arrayed as Respondent No. 9 and 10 before the Hon'ble Tribunal in OA No. 103/2022 and were also represented by their Counsel during the hearing on 05.12.2022. It is therefore requested your office to give prior notice to the undersigned before visiting the alleged spots and submit a factual and Action Taken Report before the Hon'ble Tribunal only after giving hearing to the undersigned.
6. Kindly do the needful.

PFA herewith the copy of the order dated 05.12.2022 passed by the Hon'ble Tribunal in OA No. 103/2022.


Nitin Vishwanath Agarwal


Eesh Nitin Agarwal

CC:

1. The Irrigation Department, Water Resources Division, Pune
Government of Maharashtra, Sinchan Bhavan,
Barne Road, Mangalwar Peth, Pune
2. The District Collector Pune
New Collector Office Building, Station Rd
Opposite Sasoon Hospital,
Pune Maharashtra
3. The Chief Conservator of Forests, Pune
Vanbhavan, Bhamburda, Van Vihar, Gokhale Nagar,
Pune

Date : - 26.12.2022

From,

1. Nitin Vishwanath Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.
2. Eesh Nitin Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.

To,
The District Mining Officer,
New Collector Office Building,
Station Rd,
Opposite Sasoon Hospital,
Pune, Maharashtra

Subject: Order dated 05.12.2022 passed by the Hon'ble National Green Tribunal, Western Bench, Pune in Original Application No. 103/2022.

Reference: Inspection conducted by your Ld. Office at Villages Kusgaon, Kole Chafeshwar, Chavsar, Thakursai, Varu and Phagne on 23.12.2022.

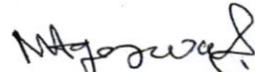
Sir,

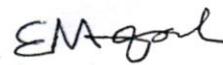
1. One Mr. Prakash Porwal has filed an Original Application No. 103/2022 before the Hon'ble National Green Tribunal Pune alleging illegal mining of stone, murrum, clay and gravel being undertaken at Gut No. 235, Kusgaon, Survey No. 21 Kole Chafeshwar, Survey No. 81 to 103 Kole Chafeshwar, Survey No. 74 Chavsar, Thakursai, Varu and Phagne. Mr. Porwal has alleged illegal mining being undertaken at the behest of the undersigned, amongst others. The undersigned have been arrayed as Respondent No. 9 and 10 in the said Original Application.
2. The Hon'ble Tribunal vide its order 05.12.2022 in OA No. 103/2022 was pleased to constitute a Committee comprising of (i) The Irrigation Department, Water Resources Division, Pune, (ii) The District Collector Pune and (iii) The District Mining Officer, Pune and (iv) The Chief Conservator of Forests, Pune to visit the spots of alleged illegal mining and submit a factual as well as Action Taken report to the

Tribunal after issuing notices and giving hearing to the parties. The District Mining Officer, Pune was made a co-ordinator of the Joint Committee.

3. It is submitted that the Hon'ble Tribunal vide its order dated 05.12.2022 categorically directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties. Further, the Committee was directed to submit a factual and Action Taken Report giving hearing to the parties.
4. However, it is submitted that, the undersigned has been informed that the Committee has undertaken an Inspection of the alleged spots on 23.12.2022 in the presence of Mr. Porwal, but no notices were issued to the undersigned.
5. Thus, it is brought to the notice of your Ld. Office that the order dated 05.12.2022 of the Hon'ble Tribunal has directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties and submit a factual and Action Taken Report before the Hon'ble Tribunal after giving hearing to the parties. The undersigned are arrayed as Respondent No. 9 and 10 before the Hon'ble Tribunal in OA No. 103/2022 and were also represented by their Counsel during the hearing on 05.12.2022. It is therefore requested your office to give prior notice to the undersigned before visiting the alleged spots and submit a factual and Action Taken Report before the Hon'ble Tribunal only after giving hearing to the undersigned.
6. Kindly do the needful.

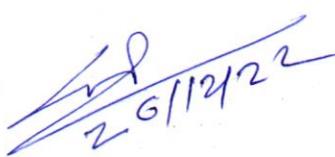
PFA herewith the copy of the order dated 05.12.2022 passed by the Hon'ble Tribunal in OA No. 103/2022.


Nitin Vishwanath Agarwal


Eesh Nitin Agarwal

CC:

1. The Irrigation Department, Water Resources Division, Pune
Government of Maharashtra, Sinchan Bhavan,
Barne Road, Mangalwar Peth, Pune
2. The District Collector Pune
New Collector Office Building, Station Rd
Opposite Sasoon Hospital,
Pune Maharashtra
3. The Chief Conservator of Forests, Pune
Vanbhavan, Bhamburda, Van Vihar, Gokhale Nagar,
Pune


जावक लिपीक
खडकवारुला पाटबंधारे विभाग
मंगळवार पेट, पुणे-११
असक लिपीक
खडकवारुला पाटबंधारे विभाग
मंगळवार पेट, सिंचनभवन, पुणे-११

Date : - 26.12.2022

From,

1. Nitin Vishwanath Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.
2. Eesh Nitin Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.

To,
The District Mining Officer,
New Collector Office Building,
Station Rd,
Opposite Sasoon Hospital,
Pune, Maharashtra

Per
28/12/22
आवक/जावक लिपीक
जिल्हाधिकारी कार्यालय पुणे

Subject: Order dated 05.12.2022 passed by the Hon'ble National Green Tribunal, Western Bench, Pune in Original Application No. 103/2022.

Reference: Inspection conducted by your Ld. Office at Villages Kusgaon, Kole Chafeshwar, Chavsar, Thakursai, Varu and Phagne on 23.12.2022.

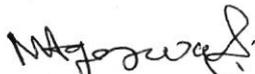
Sir,

1. One Mr. Prakash Porwal has filed an Original Application No. 103/2022 before the Hon'ble National Green Tribunal Pune alleging illegal mining of stone, murrum, clay and gravel being undertaken at Gut No. 235, Kusgaon, Survey No. 21 Kole Chafeshwar, Survey No. 81 to 103 Kole Chafeshwar, Survey No. 74 Chavsar, Thakursai, Varu and Phagne. Mr. Porwal has alleged illegal mining being undertaken at the behest of the undersigned, amongst others. The undersigned have been arrayed as Respondent No. 9 and 10 in the said Original Application.
2. The Hon'ble Tribunal vide its order 05.12.2022 in OA No. 103/2022 was pleased to constitute a Committee comprising of (i) The Irrigation Department, Water Resources Division, Pune, (ii) The District Collector Pune and (iii) The District Mining Officer, Pune and (iv) The Chief Conservator of Forests, Pune to visit the spots of alleged illegal mining and submit a factual as well as Action Taken report to the

Tribunal after issuing notices and giving hearing to the parties. The District Mining Officer, Pune was made a co-ordinator of the Joint Committee.

3. It is submitted that the Hon'ble Tribunal vide its order dated 05.12.2022 categorically directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties. Further, the Committee was directed to submit a factual and Action Taken Report giving hearing to the parties.
4. However, it is submitted that, the undersigned has been informed that the Committee has undertaken an Inspection of the alleged spots on 23.12.2022 in the presence of Mr. Porwal, but no notices were issued to the undersigned.
5. Thus, it is brought to the notice of your Ld. Office that the order dated 05.12.2022 of the Hon'ble Tribunal has directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties and submit a factual and Action Taken Report before the Hon'ble Tribunal after giving hearing to the parties. The undersigned are arrayed as Respondent No. 9 and 10 before the Hon'ble Tribunal in OA No. 103/2022 and were also represented by their Counsel during the hearing on 05.12.2022. It is therefore requested your office to give prior notice to the undersigned before visiting the alleged spots and submit a factual and Action Taken Report before the Hon'ble Tribunal only after giving hearing to the undersigned.
6. Kindly do the needful.

PFA herewith the copy of the order dated 05.12.2022 passed by the Hon'ble Tribunal in OA No. 103/2022.


Nitin Vishwanath Agarwal


Eesh Nitin Agarwal

CC:

1. The Irrigation Department, Water Resources Division, Pune
Government of Maharashtra, Sinchan Bhavan,
Barne Road, Mangalwar Peth, Pune
2. The District Collector Pune
New Collector Office Building, Station Rd
Opposite Sasoon Hospital,
Pune Maharashtra
3. The Chief Conservator of Forests, Pune
Vanbhavan, Bhamburda, Van Vihar, Gokhale Nagar,
Pune

Date : - 26.12.2022

From,

1. Nitin Vishwanath Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.
2. Eesh Nitin Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.

To,
The District Mining Officer,
New Collector Office Building,
Station Rd,
Opposite Sasoon Hospital,
Pune, Maharashtra

Subject: Order dated 05.12.2022 passed by the Hon'ble National Green Tribunal, Western Bench, Pune in Original Application No. 103/2022.

Reference: Inspection conducted by your Ld. Office at Villages Kusgaon, Kole Chafeshwar, Chavsar, Thakursai, Varu and Phagne on 23.12.2022.

Sir,

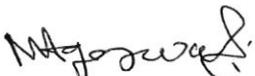
1. One Mr. Prakash Porwal has filed an Original Application No. 103/2022 before the Hon'ble National Green Tribunal Pune alleging illegal mining of stone, murrum, clay and gravel being undertaken at Gut No. 235, Kusgaon, Survey No. 21 Kole Chafeshwar, Survey No. 81 to 103 Kole Chafeshwar, Survey No. 74 Chavsar, Thakursai, Varu and Phagne. Mr. Porwal has alleged illegal mining being undertaken at the behest of the undersigned, amongst others. The undersigned have been arrayed as Respondent No. 9 and 10 in the said Original Application.
2. The Hon'ble Tribunal vide its order 05.12.2022 in OA No. 103/2022 was pleased to constitute a Committee comprising of (i) The Irrigation Department, Water Resources Division, Pune, (ii) The District Collector Pune and (iii) The District Mining Officer, Pune and (iv) The Chief Conservator of Forests, Pune to visit the spots of alleged illegal mining and submit a factual as well as Action Taken report to the

Handwritten signature
आर्विक जायक कक्ष
पुणे वनसंरक्षक (आ) पुणे
कलेचा भावली समविहार
पिडती मार, पुणे - 410401

Tribunal after issuing notices and giving hearing to the parties. The District Mining Officer, Pune was made a co-ordinator of the Joint Committee.

3. It is submitted that the Hon'ble Tribunal vide its order dated 05.12.2022 categorically directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties. Further, the Committee was directed to submit a factual and Action Taken Report giving hearing to the parties.
4. However, it is submitted that, the undersigned has been informed that the Committee has undertaken an Inspection of the alleged spots on 23.12.2022 in the presence of Mr. Porwal, but no notices were issued to the undersigned.
5. Thus, it is brought to the notice of your Ld. Office that the order dated 05.12.2022 of the Hon'ble Tribunal has directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties and submit a factual and Action Taken Report before the Hon'ble Tribunal after giving hearing to the parties. The undersigned are arrayed as Respondent No. 9 and 10 before the Hon'ble Tribunal in OA No. 103/2022 and were also represented by their Counsel during the hearing on 05.12.2022. It is therefore requested your office to give prior notice to the undersigned before visiting the alleged spots and submit a factual and Action Taken Report before the Hon'ble Tribunal only after giving hearing to the undersigned.
6. Kindly do the needful.

PFA herewith the copy of the order dated 05.12.2022 passed by the Hon'ble Tribunal in OA No. 103/2022.


Nitin Vishwanath Agarwal


Eesh Nitin Agarwal

CC:

1. The Irrigation Department, Water Resources Division, Pune
Government of Maharashtra, Sinchan Bhavan,
Barne Road, Mangalwar Peth, Pune
2. The District Collector Pune
New Collector Office Building, Station Rd
Opposite Sasoon Hospital,
Pune Maharashtra
3. The Chief Conservator of Forests, Pune
Vanbhavan, Bhamburda, Van Vihar, Gokhale Nagar,
Pune

Date : - 26.12.2022

From,

1. Nitin Vishwanath Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.
2. Eesh Nitin Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.

To,
The District Mining Officer,
New Collector Office Building,
Station Rd,
Opposite Sasoon Hospital,
Pune, Maharashtra

Subject: Order dated 05.12.2022 passed by the Hon'ble National Green Tribunal, Western Bench, Pune in Original Application No. 103/2022.

Reference: Inspection conducted by your Ld. Office at Villages Kusgaon, Kole Chafeshwar, Chavsar, Thakursai, Varu and Phagne on 23.12.2022.

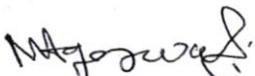
Sir,

1. One Mr. Prakash Porwal has filed an Original Application No. 103/2022 before the Hon'ble National Green Tribunal Pune alleging illegal mining of stone, murrum, clay and gravel being undertaken at Gut No. 235, Kusgaon, Survey No. 21 Kole Chafeshwar, Survey No. 81 to 103 Kole Chafeshwar, Survey No. 74 Chavsar, Thakursai, Varu and Phagne. Mr. Porwal has alleged illegal mining being undertaken at the behest of the undersigned, amongst others. The undersigned have been arrayed as Respondent No. 9 and 10 in the said Original Application.
2. The Hon'ble Tribunal vide its order 05.12.2022 in OA No. 103/2022 was pleased to constitute a Committee comprising of (i) The Irrigation Department, Water Resources Division, Pune, (ii) The District Collector Pune and (iii) The District Mining Officer, Pune and (iv) The Chief Conservator of Forests, Pune to visit the spots of alleged illegal mining and submit a factual as well as Action Taken report to the

Tribunal after issuing notices and giving hearing to the parties. The District Mining Officer, Pune was made a co-ordinator of the Joint Committee.

3. It is submitted that the Hon'ble Tribunal vide its order dated 05.12.2022 categorically directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties. Further, the Committee was directed to submit a factual and Action Taken Report giving hearing to the parties.
4. However, it is submitted that, the undersigned has been informed that the Committee has undertaken an Inspection of the alleged spots on 23.12.2022 in the presence of Mr. Porwal, but no notices were issued to the undersigned.
5. Thus, it is brought to the notice of your Ld. Office that the order dated 05.12.2022 of the Hon'ble Tribunal has directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties and submit a factual and Action Taken Report before the Hon'ble Tribunal after giving hearing to the parties. The undersigned are arrayed as Respondent No. 9 and 10 before the Hon'ble Tribunal in OA No. 103/2022 and were also represented by their Counsel during the hearing on 05.12.2022. It is therefore requested your office to give prior notice to the undersigned before visiting the alleged spots and submit a factual and Action Taken Report before the Hon'ble Tribunal only after giving hearing to the undersigned.
6. Kindly do the needful.

PFA herewith the copy of the order dated 05.12.2022 passed by the Hon'ble Tribunal in OA No. 103/2022.

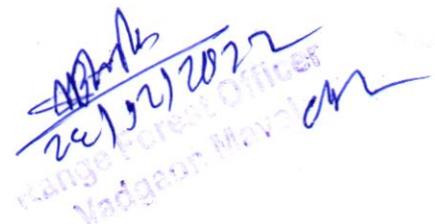

Nitin Vishwanath Agarwal


Eesh Nitin Agarwal

CC:

1. The Irrigation Department, Water Resources Division, Pune
Government of Maharashtra, Sinchan Bhavan,
Barne Road, Mangalwar Peth, Pune
2. The District Collector Pune
New Collector Office Building, Station Rd
Opposite Sasoon Hospital,
Pune Maharashtra
3. The Chief Conservator of Forests, Pune
Vanbhavan, Bhamburda, Van Vihar, Gokhale Nagar,
Pune




Range Forest Officer
Mangalwar, Pune

ANNEXURE A-2 (COLLY)**INDEX**

Sl. No.	Particulars	Pg. No.
1.	Representation in terms of the Order dated 05.12.2022 passed by the Hon'ble National Green Tribunal (WZ), Pune in O.A. No. 103 of 2022.	1-10
2.	<u>ANNEXURE A-1:</u> A copy of the letter dated 26.12.2022 issued by the Respondent No. 9 & 10 to the District Mining Officer.	11-12
3.	<u>ANNEXURE A-2:</u> The copy of the letter dated 09.01.2023 issued by your Office.	13-14
4.	<u>ANNEXURE A-3:</u> The copy of the WhatsApp extract of the Group viz. " <i>Proud to be Jain</i> " dated 10.01.2023.	15
5.	<u>ANNEXURE A-4:</u> The copy of the NC Report submitted by the Investigating Officer.	16-25
6.	<u>ANNEXURE A-5:</u> The Copy of the Order dated 29.12.2022 passed by the Ld. Sub-Divisional Offer.	26
7.	<u>ANNEXURE A-6:</u> The copy of the NCR Report No. 770 of 2022.	27-28
8.	<u>ANNEXURE A-7:</u> The copy of the Order dated 07.01.2021 passed by the Ld. Sub-Divisional Office.	29-31
9.	<u>ANNEXURE A-8 Colly:</u> 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.	32-42
10.	<u>ANNEXURE A-9 Colly:</u> The copy of the Order dated 24.06.2021 passed by the Ld. JMFC along with the FIR No. 277 of 2021.	43-54

To,
The District Mining Officer,
New Collector Office Building,
Station Road,
Opposite Sassoon Hospital.
Pune- 411001.
Maharashtra

Sub: Representation in terms of the Order dated 05.12.2022 passed by the Hon'ble National Green Tribunal (WZ), Pune in O.A. No. 103 of 2022.

Ref: In the matter of Prakash Mishrimal Porwal Vs. MoEF & CC and Ors. in O.A. No. 103 of 2022 pending before the Hon'ble National Green Tribunal, Western Zone Bench, Pune.

Sir,

We, Nitin Vishwanath Agarwal and Eesh Nitin Agarwal are arrayed as Respondent No. 9 and Respondent No. 10 respectively in O.A. No. 103 of 2022 filed by one Mr. Prakash Mishrimal Porwal (hereinafter referred to as "*the Applicant*") for the sake of convenience and brevity) pending adjudication before the National Green Tribunal, Western Zone Bench, Pune, wherein the said matter is now likely to be listed on 27.01.2023 for admission. However, the matter was last listed on 05.12.2022 before the Hon'ble Tribunal, after which the Tribunal was pleased to constitute a Committee to find out who all were involved in illegal mining as alleged by the Applicant in O.A. No. 103 of 2022. Your Office was appointed as the coordinator of the Joint Committee and therefore we are addressing the present Representation raising preliminary objections to the inspection undertaken by the Joint Committee constituted in terms of the Order dated 05.12.2022 passed by the Hon'ble Tribunal in O.A. No. 103 of 2022. Kindly note, that the present objections are merely illustrative and not exhaustive and the Respondent No. 9 & 10 reserve their rights to file any further objections/representations in accordance with law so as to protect their rights and interest.

1. At the outset, it is submitted that the Joint Committee was constituted comprising one member from the Irrigation Department, Water Resource Division, Pune, The

20 JAN 2023

आवक लिपीक
खडकवासला पाटबंधारे विभाग
पंजळकार भेट, सिंचनभवन, पुणे-११

20/1/2023 (24/1/23)
आवक / लिपीक
जिल्हाधिकारी कार्यालय, पुणे

आवक जावक कक्ष
'मुख्य वनसंरक्षक (प्रा) पुणे
'वनभवन' धनुर्डा कक्ष-१
गोंदखली नगर, पुणे-४११००३

Rajakojale
Received
Range Forest Officer
Vadgaon Maval

24/01/2023

District Collector Pune, The District Mining Officer Pune and the Chief Conservator of Forest Pune vide the Order dated 05.12.2022 passed by the Hon'ble Tribunal in O.A. No. 103 of 2022. It is therefore submitted that the Joint Committee though not being a statutory authority, derived its powers to execute the necessary actions in law as the same was constituted by the Hon'ble Tribunal in exercise of its powers u/s 19 of the National Green Tribunal Act, 2010.

2. The contention that the Hon'ble Tribunal had no jurisdiction to constitute a committee under the National Green Tribunal Act was considered by the Hon'ble Supreme Court in (2019) 8 SCC 177 in the matter of State of Meghalaya Vs. All Dimasa Students Union. Vide the Judgment dated 03.07.2019, the Hon'ble Supreme Court has held that the procedure under Order 26 Rule 10 of the Civil Procedure Code is an enabling power to the court to obtain report from such person as it thinks fit when any question involves investigation. Thus the powers under Order 26 which are to be exercised by the Court can very well be used by the Hon'ble Tribunal to obtain reports by experts. That there is no dearth of Jurisdiction in the Hon'ble Tribunal to appoint a Committee to submit a report. Thus, the Joint Committee constituted by the Hon'ble Tribunal in O.A. No. 103 of 2022 vide the order dated 05.12.2022 has been constituted by the Hon'ble Tribunal while exercising its enabling powers u/s 19 of the National Green Tribunal, 2010 r/w Order 26 of the Civil Procedure Code and therefore you are bound to comply with the provisions of Order 26 of the Civil Procedure Code. Any action contrary to the provision of Order 26 of the Civil Procedure Code by the committee would amount to a violation of the principles of natural justice which guides the procedure of the Hon'ble Tribunal u/s 19(1) of the National Green Tribunal Act, 2010.
3. In support of the contentions stated herein above, vide the Order dated 05.12.2022 in O.A. No. 103 of 2022, in paragraph 11 of the said Order, the Committee was directed to visit the spot and submit a factual as well as action taken report within a period of 1 month from 05.12.2022 *after issuing notices and giving hearing to the parties*. Thus, the Hon'ble Tribunal had directed the committee to conduct the inspection within 1 month from 05.12.2022 after issuing notices and giving

hearing to not only the Applicant, but also to the other parties viz. the Respondent No. 9 & 10 who otherwise were contesting the O.A. No. 103 of 2022 on 05.12.2022. On perusing the provisions of Order 26 Rule 16 any Committee appointed under Order 26 may examine and call upon the parties to give evidence in the matter referred to the committee, unless otherwise directed by the Order of appointment. In the present case, on perusing the Order dated 05.12.2022 passed by the Hon'ble Tribunal in O.A. No. 103 of 2022, rather the Hon'ble Tribunal had directed the Joint Committee to undertake inspection and submit an action taken report after hearing the parties. In this context, it is submitted that as on today i.e. 19.01.2023 a period of more than 1 month has been lapsed from the passing of the order dated 05.12.2022, however, till date, no notice in terms of the directions issued by the Hon'ble Tribunal in paragraph 11 of the Order dated 05.12.2022 has been served upon the Respondent No. 9 & 10. Also, vide a letter dated 26.12.2022, the Respondent No. 9 & 10 had served upon a letter to your Office reiterating the fact that notices were to be issued to the parties prior to conducting the inspection and submitting the action taken report and no notice as such was ever issued to the Respondent No. 9 & 10. Thus, it is specifically the contention of the Respondent No. 9 & 10 vide the present representation that since a period of 1 month has already lapsed from the order dated 05.12.2022 and since your Office has not issued any notice in terms of the said order to the Respondent No. 9 & 10, your office as well as the Joint Committee has willfully acted in a way contrary to the directions issued by the Hon'ble Tribunal in its order dated 05.12.2022 and therefore the Respondent No. 9 & 10 reserve their rights to initiate appropriate legal proceedings against the members of the Joint Committee for having not complied with the Order dated 05.12.2022 passed by the Hon'ble Tribunal in O.A. No. 103 of 2022. A copy of the letter dated 26.12.2022 issued by the Respondent No. 9 & 10 to the District Mining Officer is enclosed herewith as **ANNEXURE A-1**.

4. Be that as it may, it has come to the notice of the Respondent No. 9 & 10 that in terms of the order dated 05.12.2022 that the committee had undertaken its inspection on 23.12.2022 in the presence of the Applicant. Also, we are in

possession of a letter dated 09.01.2023 issued by your Office wherein categorically you have admitted that the inspection was undertaken on 23.12.2022 in terms of the Order dated 05.12.2022 issued by the Hon'ble Tribunal. In this context it is submitted that your letter dated 09.01.2023 clearly corroborates the fact that you have undertaken the inspection on 23.12.2022 without issuing notices and providing an opportunity to the Respondent No. 9 & 10 to raise any objection of whatsoever nature as enumerated in paragraph 11 of the Order dated 05.12.2022. This action of yours is in violation of the directions issued by the Hon'ble Tribunal dated 05.12.2022 in O.A. No. 103 of 2022 and are also violative of the provisions of Order 26 Rule 16 of the Civil Procedure Code and therefore the said report cannot be read into evidence of the O.A. No. 103 of 2022. As laid down by the Hon'ble Supreme Court in the Judgment of the State of Meghalaya (*supra*), though you are a Committee constituted by the Hon'ble Tribunal in exercise of its powers u/s 19 of the National Green Tribunal Act, 2010 r/w Order 26 of the Civil Procedure Code, at no point in time can the Committee conduct itself contrary to the principles of natural justice as well as the powers enumerated under Order 26 Rule 16 of the Civil Procedure Code. Having not complied with the above stated provisions of law by not issuing notice and giving a hearing opportunity to Respondent No. 9 & 10, the inspection undertaken by the Joint Committee on 23.12.2022 is in violation of the Order dated 05.12.2022, Section 19(1) of the NGT Act, 2010 and Order 26 Rule 16 of the Civil Procedure Code. In such circumstances, unless the Joint Committee withdraws the Action taken Report prepared in pursuance of the inspection conducted on 23.12.2022 with immediate effect, the Respondent No. 9 & 10 reserve their rights to initiate appropriate proceedings against the Joint Committee as prima facie the inspection on 23.12.2022 seems to have been conducted at the instance of the Applicant and therefore the Joint Committee seems to be hand in gloves with the Applicant. The copy of the letter dated 09.01.2023 issued by your Office is enclosed herewith as ANNEXURE A-2.

5. Further, without prejudice to the contentions raised hereinabove, it may be informed that, in terms of Order 26 Rule 10 of the Civil Procedure Code any

Committee constituted by a Court u/s 75(b) of the Civil Procedure Code is bound to return the report in writing signed by the Committee to the Court. Thus, vide the order dated 05.12.2022, a statutory obligation was casted upon the Joint Committee to submit the Action taken Report only to the Hon'ble Tribunal. However, on 10.01.2023, the Applicant in a WhatsApp group viz. "**Proud to be Jain**" which otherwise has a wide circulation in the city of Lonavala made public the letter dated 09.01.2023 of your esteemed Office, which forms the basis of the Report of the Joint Committee without the same being filed before the Hon'ble Tribunal under Order 26 Rule 10 of the Civil Procedure Code. The copy of the WhatsApp extract of the Group viz. "**Proud to be Jain**" dated 10.01.2023 is enclosed herewith as **ANNEXURE A-3**.

6. The Order dated 05.12.2022 passed by the Hon'ble Tribunal in O.A. No. 103 of 2022 categorically called upon the Joint Committee to visit the spot and submit a factual as well as an Action taken Report within a period of 1 month from 05.12.2022 after issuing notices and giving a hearing to the parties. Furthermore, in the said order, the Report in O.A. No. 103 of 2022 was to be filed by the committee at ngt-pune@gov.in. Thus from the tenor of the Order dated 05.12.2022, the Hon'ble Tribunal sought the compliance of Order 26 Rule 10 by the Joint Committee to the point that the Report of the Joint Committee was to be submitted before the Hon'ble Tribunal. However, it is surprising that even before the Report of the Joint Committee has been filed by the Committee on the e-mail address as directed by the Hon'ble Tribunal in its Order dated 05.12.2022, the Applicant as on 10.01.2023 has laid his hands on the Letter of your Office dated 09.01.2023 (which stipulates the inspection to have been done on 23.12.2022) which is against the expressed direction and the intentions of the Hon'ble Tribunal in its Order dated 05.12.2022. Since the Applicant is already in possession of your Letter dated 09.01.2023 and has made the same public on 10.01.2023, you are to explain as to how the Letter dated 09.01.2023 found its way into the hands of the Applicant. It is the case of the Respondent No. 9 & 10 that the fact that the Applicant is already in possession of your Letter dated 09.01.2023 which is also made public on 10.01.2023, the action of the Applicant,

raises a serious doubt towards the integrity and the admissibility of your Letter dated 09.01.2023 and also of the fact as to whether the Inspection carried out on 23.12.2022 was independent of the influence of the Applicant. In terms of the Order dated 05.12.2022, your Office was to undertake the visit to the spot after issuing notice and giving hearing to the parties, however, the fact that your Office has not issued any such Notice to the Respondent No. 9 & 10, the same corroborates the fact that there is a serious compromise with the integrity and the admissibility of the Inspection dated 23.12.2022 and your Letter dated 09.01.2023 and further affirms that the said Inspection was not an independent Inspection in terms of the Order dated 05.12.2023 and was completely under the influence of the Applicant. Thus it is the case of the Respondent No. 9 & 10 that the data and information forming a part of the Inspection dated 23.12.2022 and your letter dated 09.01.2023 is compromised so as to merely substantiate the allegations of the Applicant without any serious endeavor at your behest in ascertaining the factual reality thereby defeating the intention of the directions in the Order dated 05.12.2022 passed by the Hon'ble Tribunal. In such circumstances where your Letter dated 09.01.2023 has already found its way into hands of the Applicant, the Action taken Report is completely compromised and it is evident that the Joint Committee appointed by the Hon'ble Tribunal vide its Order dated 05.12.2022 is nothing but hand in gloves with the Applicant. The Respondent No. 9 & 10 vide the present Representation bring to your knowledge the fact that the Letter of your Office having found its way into the Applicants' hand and being made public by the Applicant on 10.01.2023 without the same being submitted to the Hon'ble Tribunal, is compromised and you are hereby called upon to explain as to how the Letter dated 09.01.2023 found its way into the hands of the Applicant. In the absence of any explanation coming forth from your Office or the Joint Committee, the Respondent No. 9 & 10 shall reserve their rights to initiate appropriate legal proceedings against the Joint Committee and your Office for having not complied with the directions of the Hon'ble Tribunal in its Order dated 05.12.2022.

7. 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 bonafide's 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 bonafide's 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 bonafide's 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 bonafide's of the Applicant in the present case.
8. As already stated herein above, since the Joint Committee has been constituted in exercise of the powers u/s 19 of the NGT Act, 2010 r/w Order 26 Rule 10 of the Civil Procedure Code, nothing preempts this Committee from accepting evidence which raises more than a substantial doubt with regards to the bonafide's and credentials of the present Applicant. On perusing the O.A. No. 103 of 2022, the major bone of contention of the Applicant is against the Respondent No. 9 who otherwise is 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 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 had registered an FIR against the Respondent No. 9. However, the investigating agency after investigating into the alleged offence had submitted an NC Report before the Hon'ble Court. However, the Ld. JMFC vide its Order dated 25.09.2019 was pleased to reject the NC Final Report 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 NC Report submitted by the Investigating Officer is enclosed herewith as **ANNEXURE A-4**.

- 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 enclosed herewith as **ANNEXURE A-5**.
- c. Also, it is brought to your notice that a Non-Cognizable Offence Information Report bearing No. 770 of 2022 u/s 155 of CrPC dated 21.12.2022 has been registered by Mr. Kirit Somaiyya 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 NCR 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 NCR Report No. 770 of 2022 is enclosed herewith as **ANNEXURE A-6**.
- d. The Ld. Sub Divisional Officer in RTS Appeal No. A/486 of 2020 vide his Order dated 07.01.2021 has set aside the Order dated 14.04.2020 issued by the Tehsildar of Maval directing one Mr. Akhil Ashok Agarwal 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 Mr. Akhil Ashok Agarwal at the

instance of the Applicant. Interestingly, the Applicant has arrayed Mr. Akhil Ashok Agarwal as Respondent No. 12 in the O.A. No. 103 of 2022. The said facts clearly demonstrate more than a vengeance and establish the malafide's of the Applicant. The copy of the Order dated 07.01.2021 passed by the Ld. Sub-Divisional Office is enclosed herewith as **ANNEXURE A-7**.

- e. Also, Mr. Akhil Ashok Agarwal as a Power of Attorney Holder of one Pearl D'mello on 14.07.2021 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 Mr. Akhil Ashok Agarwal. Similarly, the mother of Mr. Akhil Ashok Agarwal 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 counterblast to all these complaints made by Mr. Akhil Ashok Agarwal, 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 enclosed herewith as **ANNEXURE A-8 Colly**.

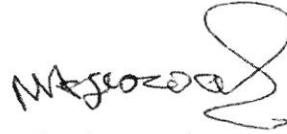
The copy of the Order dated 24.06.2021 passed by the Ld. JMFC along with the FIR No. 277 of 2021 is enclosed herewith as **ANNEXURE A-9 Colly**.

- f. Thus, from the documents submitted herein above, the credentials and bonafide's of the Applicant are being challenged in filing the O.A. No. 103 of 2022 by the Respondent No. 9 & 10 and therefore committee should undertake an endeavor to ensure the bonafide's 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.

9. In view of the contentions raised herein above, the Respondent No. 9 & 10 are filing the present Representation requesting your Office to comply with the directions issued by the Hon'ble Tribunal dated 05.12.2022 in O.A. No. 103 of 2022, failing which the Respondent No. 9 & 10 reserve their rights to file a detailed objection before the Hon'ble Tribunal in O.A. No. 103 of 2022 as and when need be.

Date: 19.01.2023

Place: Pune


EM
Respondent No. 9 & 10

C/C to :-

- 1) **The Irrigation Department, Water Resources Division, Pune**
Government of Maharashtra, Sinchan Bhvan,
Barne Road, Mangalwar Peth, Pune.
- 2) **The District Collector Pune**
New Collector Office Building, Station Road,
Opposite Sasoon Hospital,
Pune, Maharashtra.
- 3) **The Chief Conservator of Forests, Pune**
Vanbhavan, Bhamburda, Van Vihar, Gokhale Nagar,
Pune.

Date :- 26.12.2022

From,

1. Nitin Vishwanath Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.
2. Eesh Nitin Agarwal
Ishwarkrupa, Shop No. 9,
Near Vijaya Bank, Bhangarwadi
Road,
Lonavala – 410401, Pune.

To,
The District Mining Officer,
New Collector Office Building,
Station Rd,
Opposite Sasoon Hospital,
Pune, Maharashtra

Subject: Order dated 05.12.2022 passed by the Hon'ble National Green Tribunal,
Western Bench, Pune in Original Application No. 103/2022.

Reference: Inspection conducted by your Ld. Office at Villages Kusgaon, Kole
Chafeshwar, Chavsar, Thakursai, Varu and Phagne on 23.12.2022.

Sir,

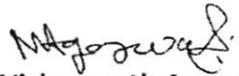
1. One Mr. Prakash Porwal has filed an Original Application No. 103/2022 before the Hon'ble National Green Tribunal Pune alleging illegal mining of stone, murrum, clay and gravel being undertaken at Gut No. 235, Kusgaon, Survey No. 21 Kole Chafeshwar, Survey No. 81 to 103 Kole Chafeshwar, Survey No. 74 Chavsar, Thakursai, Varu and Phagne. Mr. Porwal has alleged illegal mining being undertaken at the behest of the undersigned, amongst others. The undersigned have been arrayed as Respondent No. 9 and 10 in the said Original Application.
2. The Hon'ble Tribunal vide its order 05.12.2022 in OA No. 103/2022 was pleased to constitute a Committee comprising of (i) The Irrigation Department, Water Resources Division, Pune, (ii) The District Collector Pune and (iii) The District Mining Officer, Pune and (iv) The Chief Conservator of Forests, Pune to visit the spots of alleged illegal mining and submit a factual as well as Action Taken report to the

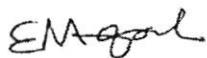
26.12.22
आवक
जिल्हाधिकारी कार्यालय पुणे
खनिकर्म शाखा

Tribunal after issuing notices and giving hearing to the parties. The District Mining Officer, Pune was made a co-ordinator of the Joint Committee.

3. It is submitted that the Hon'ble Tribunal vide its order dated 05.12.2022 categorically directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties. Further, the Committee was directed to submit a factual and Action Taken Report giving hearing to the parties.
4. However, it is submitted that, the undersigned has been informed that the Committee has undertaken an Inspection of the alleged spots on 23.12.2022 in the presence of Mr. Porwal, but no notices were issued to the undersigned.
5. Thus, it is brought to the notice of your Ld. Office that the order dated 05.12.2022 of the Hon'ble Tribunal has directed the Committee to visit the spots of alleged illegal mining only after issuing notices to the parties and submit a factual and Action Taken Report before the Hon'ble Tribunal after giving hearing to the parties. The undersigned are arrayed as Respondent No. 9 and 10 before the Hon'ble Tribunal in OA No. 103/2022 and were also represented by their Counsel during the hearing on 05.12.2022. It is therefore requested your office to give prior notice to the undersigned before visiting the alleged spots and submit a factual and Action Taken Report before the Hon'ble Tribunal only after giving hearing to the undersigned.
6. Kindly do the needful.

PFA herewith the copy of the order dated 05.12.2022 passed by the Hon'ble Tribunal in OA No. 103/2022.


Nitin Vishwanath Agarwal


Eesh Nitin Agarwal

CC:

1. The Irrigation Department, Water Resources Division, Pune
Government of Maharashtra, Sinchan Bhavan,
Barne Road, Mangalwar Peth, Pune
2. The District Collector Pune
New Collector Office Building, Station Rd
Opposite Sasoon Hospital,
Pune Maharashtra
3. The Chief Conservator of Forests, Pune
Vanbhavan, Bhamburda, Van Vihar, Gokhale Nagar,
Pune



जिल्हाधिकारी कार्यालय, पुणे
(खनिकर्म शाखा)

व विंग, चौथा मजला, पुणे ४११ ००१

दूरध्वनी क्रमांक - ०२०-२६९२४९३७

Email : miningpune123@gmail.com

क्र.खनिकर्म/कावि/ ५८ /२०२२

दिनांक- ०९.०९.२०२३

१. कार्यकारी अभियंता
जलसंपदा विभाग, मंगळवार पेठ, पुणे
२. वनपरिक्षेत्र अधिकारी, मावळ
३. तहसिलदार, मावळ

विषय:- मा.हरित लवाद खंडपीठ, पुणे यांचेकडील ORIGINIL APPLICATION NO 103 OF 2022 (WZ) I.A.No.195/2022 (WZ) & Caveat No.14/2022 (WZ) मध्ये दिनांक ०५.१२.२०२२ रोजीच्या आदेशानुसार अंमलबजाणी करणेबाबत.

संदर्भ:- या कार्यालयाकडील पत्र क्र.खनिकर्म/कावि/३२७२/२०२२ दि.२०.१२.२०२२

मा.हरित लवाद खंडपीठ, पुणे यांचेकडील ORIGINIL APPLICATION NO 103 OF 2022 (WZ) I.A.No.195/2022 (WZ) & Caveat No.14/2022 (WZ) मध्ये दिनांक ०५.१२.२०२२ रोजीच्या आदेशानुसार पवना प्रकल्पाच्या कार्यक्षेत्रामध्ये झालेल्या अवैध उत्खनन व वाहतूकी संदर्भात दिनांक २३.१२.२०२२ रोजी समक्ष स्थळपाहणी करून उत्खनन झालेल्या क्षेत्राची ईटीएस मशिनद्वारे मोजणी करण्यात आलेली असून त्याबाबतचा अहवाल दिनांक ०२.०९.२०२३ रोजी या कार्यालयास प्राप्त झालेला असून तो खालील प्रमाणे आहे.

अ.क्र.	गावाचे नांव	स.नं/ग.नं.	झालेले उत्खनन (ब्रास) परिमाण.
१.	ब्रम्हनोंली	५१ & ५२	१६०२.९२४
२.	ब्रम्हनोंली	५१ & ५२	१३४.८२५
३.	ब्रम्हनोंली	५०, ५१ & ५२	९३३.२०७
४.	ब्रम्हनोंली	-	१०१४.६४५
५.	ब्रम्हनोंली	-	३६०.९४४
६.	वारु	९६	१९७४.७८०
७.	टाकूर साई	१६	१८५.३८९
८.	खडक गेवडे	५८	५४.५५७
९.	खडक गेवडे	६४	४४९.६४०
१०.	खडक गेवडे	६४	५५६.४५७
११.	खडक गेवडे	६४	१७८.५५४

१२.	जवण	४२	१९३९.००५
	जवण	४२	१८३.६९०
१३.	जवण	-	१६४.५५
१४.	जवण	१२८ & १२९	१४२.४२५
१५.	जवण	-	२७८.४०७
१६.	जवण	१३३	१४३.३४४
१७.	शिळीम	-	२१५४.६५३
१८.	कालेचाफेसर	२७/२६	३७१.५८३
१९.	कालेचाफेसर	२९	१६४.५६३
२०.	कालेचाफेसर	२९	१७३.८१२
२१.	कालेचाफेसर	२९	१४७.८५५
	कालेचाफेसर	२९	११९.७८५
२२.	कालेचाफेसर	२९	८५३.४३२
२३.	चाऊसर	-	२३०.४७३
२४.	चाऊसर	७	२३६.५९६
२५.	चाऊसर	-	३६५.२२५
२६.	चाऊसर	८०	२५४.९१९
२७.	चाऊसर (मेणेवाडी)	९६	५३९.२५८
एकूण:-			१५९०१.१०१

वर नमूद गावामधील क्षेत्रात अवैध उत्खनन झाल्याचे निष्पन्न झालेले आहे, आपले कार्यक्षेत्रामधील उत्खनन करून वाहतूक झालेली आहे उक्त क्षेत्र आपले अधिकारातील असल्याचे त्याचे रक्षण करण्याची सर्वस्वी जबाबदारी आपली आहे. त्यावर अनाधिकृत उत्खननाच्या परिमाणावर आपल्याकडील प्रचलित नियमाप्रमाणे कार्यवाही करून त्याबाबचा अनुपालन अहवाल या कार्यालयास तात्काळ सादर करणेत यावा. तसेच आपण केलेल्या कार्यवाहीबाबतचा मा.हरित लवाद खंडपीठ, पुणे यांचे खंडपिठांमध्ये दिनांक १६.०१.२०२३ पुर्वी सादर करण्यात यावा. याकामी विलंब होणार नाही याची दक्षता घ्यावी.


 (हिम्मत खराडे)
 अतिरिक्त जिल्हादंडाधिकारी, पुणे

GOVERNMENT OF MAHARASHTRA
COLLECTOR OFFICE PUNE
(Mining Branch)

B Wing, Fourth Floor, Pune 411 001

Phone No.- 020-26124137

Email: miningpune123@gmail.com

No. Mining/EO/49/2022

Date: 09.01.2023

1. Executive Engineer

Water Wealth, Mangalwar Peth, Pune

2. Zonal Forest Officer, Maval

3. Tahsildar, Maval

Sub: To follow order dated 05.12.2022 of Hon'ble Green Tribunal Pune on passed on original Application No. 103 of 2022 (WZ) I.A. No. 195/2002 (WZ) & Caveat No. 14/2022 (WZ).

Ref: Letter No. M/K/3272/2022 dated 20.12.2022 of our office.

Land dig on carrying city survey personally on 23.12.2022 regarding un-authorized digging

and transporting carried at Pavana Project property under order dated 05.12.2022 passed by Hon'ble Green Tribunal Pune on original Application No. 103 of 2022 (WZ) I.A. No. 195/2002 (WZ) & Caveat No. 14/2022 (WZ) and our office received its report on 02.01.2023 as below.

S. No.	Village	S.No. / G. No.	Land digged in (BRAS)
1.	Brahmanoli	51 & 52	1602.924
2.	Brahmanoli	51 & 52	134.825
3.	Brahmanoli	502, 51 & 52	933.207
4.	Brahmanoli	--	1014.645
5.	Brahmanoli	--	360.944
6.	Waru	96	1974.780
7.	Thakur Sai	16	185.389

8.	Khadak Gawde	58	54.557
9.	Khadak Gawde	64	441.640
10.	Khadak Gawde	64	556.457
11.	Khadak Gawde	64	178.554
12.	Javan	42	1939.005
	Javan	42	183.690
13.	Javan	--	164.55
14.	Javan	128 &	278.407
		129	
15.	Javan	--	
16.	Javan	133	143.344
17.	Shilim	--	2154.653
18.	Kalechafesar	27/26	371.583

19.	Kalechafesar	29	164.563
20.	Kalechafesar	29	173.812
21.	Kalechafesar	29	147.855
	Kalechafesar	29	853.432
22.	Kalechafesar	21	853.432
23.	Chausar	--	230.473
24.	Chausar	7	236.596
25.	Chausar	--	365-225
26.	Chausar	80	254.919
27.	Chausar (Menewadi)	96	539.258
Total			15901.101

It is cleared the land in said villages is digged un-authorized. Your property is transported on digging. You are responsible fully to protect it since said property is there under your jurisdiction. Hence submit immediately its

action report with our office on taking action present rule by you on affects of un-authorized digging carrying there. And to submit report of action by you before 16.01.2023 with Hon'ble Green Tribunal Pune. To be careful not to cause delay for same.

(Himmat Kharade)

Additional District Magistrate, Pune

7:35



< 3



Proud To Be Jain

Ashy, Amal, Ashish shah., Ashok, Bhandar...



Prakash Porwal

Tue, 10 Jan

नमस्कार मित्रांनो,

लोणावळ्यातील सरकारी जागेतून खात्याच्या जागेतून चोरी करणारे

गौण खनिज उत्खलन चोर यांच्याविरुद्ध राष्ट्रीय हरित लवाद न्यायालयामध्ये अपील दाखल केले होते . माझ्या तक्रारीच्या अनुषंगाने माननीय न्यायालया ने माननीय जिल्हाधिकारी साहेब यांच्या अध्यक्षतेखाली चार जणांची कमिटी स्थापन करण्यात आली होती . सदर कमिटीने प्रत्यक्ष जागेवर पाहणी करून न ऊ गावांमध्ये 15991 ब्रास गौण खनिज चोरी झाल्याचे निष्पन्न झालेले आहे. अजून 30 ते 35 गाव शिल्लक आहेत त्यामध्ये सुद्धा मोठ्या प्रमाणावर उत्खलन झालेले आहे त्यामुळे शासनास कमीत कमी 50 ते 60 करोड रुपयांचा महसूल मिळेल. लवकरच श्री नितीन विश्वनाथ अग्रवाल व त्यांची सरकारी खंडणी गँग यांच्या मुक्काम आपल्याला येरवडा जेलमध्ये पाहण्यास मिळेल. व त्या ठिकाणी गोळी बिस्किटे व पाणी फुकट वाटताना त्यांचे पाप कमी होईल.

2:44 PM

Prakash Porwal

Forwarded



दिल्लीस्य कार्यलय, पुणे
(परिचरने शरण)
४ ऑग २०२२ १२:४४



Application No.103-2022.pdf

2 pages • 2.1 MB • pdf



नमस्कार मित्रांनो,

लोणावळ्यातील सरकारी जागेतून खात्याच्या जागेतून चोरी करणारे गौण खनिज उत्खलन चोर यांच्याविरुद्ध राष्ट्रीय हरित लवाद न्यायालयामध्ये अपील दाखल केले होते . माझ्या तक्रारीच्या अनुषंगानेमाननीय न्यायालया ने माननीय जिल्हाधिकारी साहेब यांच्या अध्यक्षतेखाली चार जणांची कमिटी स्थापन करण्यात आली होती . सदरकमिटीने प्रत्यक्ष जागेवर पाहणी करून न ऊ गावांमध्ये 15991 ब्रास गौण खनिज चोरी झाल्याचे निष्पन्न झालेले आहे. अजून 30 ते35 गाव शिल्लक आहेत त्यामध्ये सुद्धा मोठ्या प्रमाणावर उत्खलन झाले

Hello friends,

An appeal was filed in the National Green Arbitration Court against minor mineral extraction thieves who stole from departmental premises from government premises in Lonavala. Pursuant to my complaint, the honourable Court constituted a committee of four members under the chairmanship of the honourable Collector. It has been found that 15991 brass minor minerals have been stolen in the villages after the direct inspection by the Central Committee. There are still 30 to 35 villages that have been uplifted on a large scale, so the government will get a revenue of at least 50 to 60 crore rupees. Soon we will get to see the stay of Shri Nitin Vishwanath Aggarwal and his government extortion gang in Yerwada Jail. And their sins will be reduced when they are given free biscuits and water at that place.

मु.पुणे - क/१९९४ - 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 अं४)

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 - १९९९ (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 - 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 - हिंदु 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 अं४)

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 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. को. सि. मु. पुणे - क/११५ - ५५१ (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/Year or birth जन्मतारीख /वर्षी	Occupatio न्यवसाय	Address पत्ता	Type of evidence to be tendered साक्षी कसवयाच्या प्रकाराचा 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 वाळुजकर	सुरेश वाळुजकर	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 वर्षे, 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 वर्षे, रा. लोणावळा, यांना वाटल्याने त्यांनी वरिष्ठाना भेटुन सदर गुन्हाचा तपासा अन्य ठिकाणी वरिष्ठ पोलीस अधिका-यांकडे व्हावा 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 मारहान 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 वर्षे, (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 वर्षे, रा. गहुंजे, (२) मोहन तुकाराम घारे वय-३७ वर्षे,

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 १६०००००/- (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 १०,०००००/- (दहा लाख) व ५०००००/- (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 ५०,०००००/- (पन्नास लाख रुपयांना) विकायच्या आहेत असे सांगुन त्यांचेकडुन चेकद्वारे त्यांचे खात्यातुन ५०,०००००/- (पन्नास लाख) रुपये घेतले मा. दुय्यम निबंधक, लोणावळा यांचे कार्यालयात सदर जमिनीचे खरेदीकरीता शासकीय भरणा मुद्रांक शुल्क रुक्कम ६००००/- (साठ हजार) व नोंदणी शुल्क १५,०००/- (पंधरा हजार) असे एकुण ७५०००/- 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, पवना नगर 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 चंद्रकांत मावकर, व मी गाडी घेवुन तेथुन एक्सप्रेस हायवेरोडने पुणे बाजूकडे 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 रिव्हॉल्वर 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 माझा 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 म्हेंद्रा 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. त्याबाब 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.

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 Jawan 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 indictable.

However, after the investigation it became clear that the said crime is indictable 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 Name:</p>	<p>Submitting/Final Report/ Charge Sheet Name: D.D. Shivthare Sub Divisional Police Officer Lonawala Division, Lonawala</p>
--------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------

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

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

अर्जदार

विरुद्ध

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. 19.12.2022

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

N.C.R
NON CONGNIZABLE 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 & 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 & Residence of Complainant (तक्रारदाराचे नांव व

Name किरीट सोममया 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 & 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.(क्र.सं.) Address Type (पता का प्रकार) Address (पता)

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 सोममया माजी खासदारबीरोधक प्रकाश मिसरीलाल पोरवाल या एकविरा निवास भुशी गाव ता.मावळ जि.पुणेमु.घ.ता.धे.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 सोममया साहेब यांच्या सोबत व्याख्या निवास्तस्थानी घर्बा 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)Sitaran laxman dubal

Rank(पद) I (Inspector)

No.(संखिस 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
----	-----------------------------------------------

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 तपशिलः

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 अजांमध्ये 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 मुळ 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



(संदेश शिर्के)

उपविभागीय अधिकारी
मावळ-मुळशी उपविभाग पुणे

प्रत : तहसिलदार मावळ यांचेकडे माहितीसाठी व पुढील कार्यवाहीसाठी रवाना.

संस्कृत विश्वविद्यालय, दिल्ली
विभागीय कार्यालय, २००६
[१९९९] विभागीय कार्यालय, 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.

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

2. 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

(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)	I.I.F.-I (एकीकृत अन्वेषणफॉर्म - १) 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. 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. पुणेगुन्हा 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 रजिस्टर 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 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 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 बेकायदेपिर 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 बेकायदेपिर 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)

I.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, व्रं यंग आणि इतर तपशील)

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

चेचक: क्र.

Deformities / Peculiarities (व्रं 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 (व्रण)	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 व्रं यापेक्षा अधिक तपशील दिले यास फक्त त यातील रकाने यांची नोंद घेतली जाईल)

Sr. No.	Property Category	Property Type	Description	Value (In Rs.)
---------	-------------------	---------------	-------------	----------------

10. Total value of properties (in Rs.)

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

Sr. No.	UIDB Number
---------	-------------

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 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.

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.*

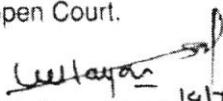
3. In the above mentioned case laws the Hon'ble Supreme Court and the Hon'ble Bombay High Court stated that, any Judicial Magistrate before taking cognizance of the offence can order investigation under section 156(3) of the Cr.P.C. For the purpose of enabling the police to start investigation, it is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

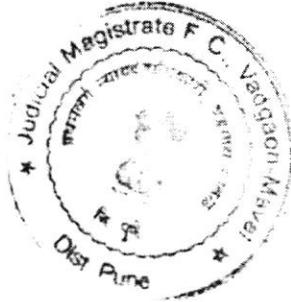
The complaint has been sent for investigation under section 156(3) of Code of Criminal Procedure. In view of the judgment of Hon'ble Apex Court, in the case of Madhubala Vs. Suresh Kumar, reported In AIR 1997 Supreme Court, 3104, it is not necessary to keep the proceeding pending. Hence, the proceeding 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
ग्रामीण
FIR No. (प्रथम खबर क्र.): 0277 Date and Time of FIR (प्र. ख. दिनांक आणि वेळ):
02/07/2021 12:45 वाजता

2. 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 अन्वेषणफॉर्म - 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 (राष्ट्रीयत्व): 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 मालमत्तेचा 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/-) मालमत्तेचे 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 फसवमुक्त 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

I.I.F.-I (एकीकृत अन् वेषणफॉर्म - १)

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 ेचना 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 अॅड 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. अॅ) 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. अः) 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 अॅड 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, व्र यंग आणि इतर तपशील)

S. No. (अ.क्र.)	Sex (लिंग)	Date / Year Of Birth (जन्म मत्तारीख वर्ष)	Build (बांधा)	Height (उंची(से मी))	Complexion (रंग)	Identification Mark(s) (ओळखीच या खुणा)
1	2	3	4	5	6	7
1	पुरुष	1966				
चेचक: क्र.						
Deformities / Peculiarities (व्र यंग वैशिष्ट्ये)	Teeth (दात)	Hair (केस)	Eye (डोळे)	Habit(s) (सवयी)	Dress Habit (s) (पोषाखाच य सवयी)	
8	9	10	11	12	13	
Language/Dia lect (भाषा/बोली)	Place of (चे ठिकाण)			Others (इतर)		
Burn Mark (भाजले याच खुणा)	Leucoderm a (कोड)	Mole (तिळ)	Scar (व्रण)	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 व्र 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
---------	-------------

12. F.I.R. information brief content

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	Sear	Tatto	
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.

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

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 miner 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



-TRUE COPY-

Service : O. A. No. 103 of 2022 between Mr. Prakash Mishrimal Porwal V. Ministry of Environment Forest and Climate Change & Ors.

1 message

Adv Sangram Singh R Bhonsle <srb.chambers@gmail.com>

Thu, Jan 26, 2023 at 7:40 PM

To: sdkadvocate@gmail.com, kulkarnisaurabhd@gmail.com

Cc: Samridhi Jain <samridhi12318@gmail.com>, Sangram Singh Bhonsle <sangram Singh Bhonsle@gmail.com>

Sir/Ma'am,

We are the Advocates appearing on behalf of the Respondent No. 9 and 10 in the above mentioned matter. We are filing an Short Affidavit on behalf of the Respondent No.9 and 10 dated 26.01.2023.

Please find attached herewith a copy of an Short Affidavit on behalf of the Respondent No.9 and 10 dated 26.01.2023. Kindly, consider this email as a service of the same in your esteemed office.

Regards,

Sangram Singh R. Bhonsle

Advocate

Supreme Court of India

A-10, LGF, Lajpat Nagar III,

New Delhi - 110024.

Mob- 9545809120

 [Short Affidavit.pdf](#)