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ADDI. CHIEF JUDICIAL MAGISTRATE (COURT NO.21), KOLHAPUR*(Presided over by H. D. Deshinge)***Regular. Cri. Case No.891/2002****Exh. No.356/A***[Crime No.79/2001 at Police Station Laxmipuri, District- Kolhapur.]*

Prosecution	The State of Maharashtra,
Represented by	Smt. T. R. Pedanekar, Ld. APP for the State & Shri. S. P. Kulkarni, Ld. APP for the State.
Accused	Ashok Dayanand Sonule Age- 71 Yrs, Occupation- Social Work, R/o. 2355 A/D, Bhramhpuri, Kolhapur
Represented by	Shri. V. V. Patil, Ld. Advocate for Accused.

Date of Offence	08.10.1992 to 24.04.2001
Date of FIR	25/10/2001
Date of Chargesheet	10/10/2002
Date of Framing of Charge	07/07/2005
Date of Commencement of Evidence	03/07/2009
Date of Argument	20/08/2026
Date of the Judgment	29/09/2026

Accused Details

Name of the Accused	Ashok Dayanand Sonule
Date of Arrest	10.08.2002
Date of Released on Bail	17.08.2002
Offence Charged with	Sec.420, 465, 467, 468 and 471 of IPC and Sec.36 read with 67 of BPT Act
Whether Acquitted or Convicted	Convicted
Period of Detention Undergone During Trial for the purpose of Section 428 of Cri. P. C.	Seven (7) days.

A] List of Prosecution Witnesses.

Sr. No.	Name	Exh. Nos.	Nature of Evidence
Pw No.1	Jivan Dattu Awale	67	Informant
Pw No.2	Alan Mohan	166	Witness
Pw No. 3	Harshwardhan Poulas Shrisundar	170	Witness
Pw No.4	Hemant Nana Biraje	213	Witness
Pw No.5	Saachin Nilakas Chilayya	217	Panch
Pw No.6	Pramod Bapusaheb Yedekar	232	Witness
Pw No.7	Pramod Bapusaheb Yedekar	233	Witness
Pw No.8	Rukmini Tanaji Kamble	235	Witness
Pw No.9	Bipin Ramchandra Shintre	236	Witness
Pw No.10	Malan Rajaram Raste	240	Witness
Pw No.11	Mehbub Abdulgani Shaikh	242	Witness

Pw No.12	Mahesh Ganpatrao Sawant	316	I.O.
Pw No.13	Jaysingrao Sadashivrao Landage	321	Witness

B] List of Defence Witnesses.

Sr. No.	Name	Exh. Nos.	Nature of Evidence
Dw No.1	Balasaheb Dnyandev Dakare	297	Witness
Dw No.2	Nurjaha Asim Jamadar	298	Witness
Dw No. 3	Shyam Nanaji Sakate	299	Witness

C] Prosecution Exhibits

Sr. No.	Exh. Nos.	Description
1	128	Authority letter
2	129	CS No.2353 and 2355/A-D Ward
3	130	CS No.2355/A Property Card
4	131	PTR extract of Trust Registration no.E-923
5	132	Copy of plaint in RCS No.6789 of 1968
6	133	Certified copy of Judgment in Revision No.35/2001
7	134	Certified copy of Decree in RCS No.398/1985
8	135	Certified copy of Judgment in RCS No.1142/1984
9	136	Certified copy of order of Exh.5 in RCS No.173/1992
10	137	Order passed by Deputy Commissioner

		regarding registration of trust of RCS No.1142/1984
11	138 and 139	Copy of revision and order preferred by accused
12	140	Copy of charity appeal
13	141	Written complaint of the informant to the S.P., Kolhapur dated 16.10.2001
14	142	FIR
15	144	Copy of Judgment in RCC No.121/2001
16	162	Copy of affidavit of informant
17	165	Memorandum of association of BDTA Ltd.
18	171	Seizure Panchnama
19	174/1 to 3	Receipt Book
20	175/1 to 3	Copies of rent receipts
21	176/1 to 17	Possession receipts
22	177/1 to 33	Affidavits in respect of hand-writing
23	178/1 to 13	Stamp Paper and affidavit
24	179/1 to 5	Blank Stamp papers
25	180	Letter pad of MPG mission
26	183 to 185	Resigns letters
27	186 to 189	Receipts
28	190/1 to 15	Receipts
29	191	Letter
30	192/1 to 4	Cash Vouchers and cheque of Ganesh Narayankar
31	193	Cheque and memo
32	214	Panchnama dated 10.08.2002
33	218 to 229	Signature samples of accused
34	230	Panchnama
35	234	Cancellation form

36	241	Measurement notice
37	243 to 247	Cheques and memos
38	324 and 325	Report of hand-writing expert

D] Defence Exhibits

Sr. No.	Exh. Nos.	Description
--	NIL	NIL

E] Court Exh.

Sr. No.	Exh. Nos.	Description
1.	9	Charge
2.	260	Statements of Accused U/S. 313 of CrPC

F] Material Object

Sr. No.	Exh. Nos.	Description
1.	Nil	<i>Nil</i>

JUDGMENT**(Delivered on 29th day of September, 2026)**

Accused is facing the trial for offences punishable under sections 420, 465, 467, 468 and 471 of the Indian Penal Code (IPC) and Sec.36 read with 67 of the Bombay Public Trust (BPT) Act.

THE PROSECUTION'S CASE IN BRIEF :

2. The prosecution's case is that informant, Jeevan Dattu Aawale lodge the report on 25.10.2001. The informant states that he serves as the Property Manager for the Kolhapur Division of The Bombay Diocesan Trust Association Pvt. Ltd. (located at 19, Hazarimal Somani Marg, Fort, Mumbai No.

1), a post he has held since December 1997 following a valid appointment and authority executed by Trust Director/Trustee, retired Colonel A. M. Gyanankan.

3. The accused, Dr. Ashok Dayanand Sonule (residing at 2.3, Brahmapuri, Kolhapur), initially gained permissive possession of a trust-owned structure known as St. John Bungalow, situated on City Survey No. 2355 A/D Ward, Brahmapuri, Kolhapur, by entering into an 11-month lease agreement with the former property manager, the late Sham Nana Sakate, under the pretense of operating a medical dispensary. However, instead of establishing a clinic, Dr. Sonule unauthorizedly used the premises for Marathi film shoots and commenced illegal construction and quarrying. When confronted by Mr. Sakate, the accused criminally intimidated him and mobilized local miscreants to forcibly usurp the property through reign of terror, leading to prior complaints lodged at the Laxmipuri Police Station.

4. To create a fraudulent façade of title, Dr. Sonule registered an entity named "Society for the Propagation of Gospel Mission Brahmapuri Kolhapur" (Registration No. Maharashtra/4640 Kolhapur) under the Societies Registration Act, 1860, in year 1987. The informant highlights that this society was never registered as a legal public trust under the Maharashtra Public Trusts Act, 1950. The legitimate parent trust "Society for the Propagation of Gospel in the Diocese of Bombay" (Registration No. E-828 (B)) was registered on November 10, 1953, under the Charity Commissioner, Mumbai, originally originating from "The Society for the Propagation of the Gospel" established under a Royal Charter by King William III in Westminster, England. Pursuant to Bombay City Civil Court Decree in Suit No.6789/1968, all Indian properties of the original trust were formally transferred to The Bombay Diocesan Trust Association Pvt. Ltd. (Reg. E-923 / Company Act No. 1450) as Trustee and Manager, with official revenue entry/mutation recorded in its favor on May 14, 1970.

5. Despite lacking any legal or moral rights over the premises, Dr. Sonule falsely claimed to be the Chairman of the "SPG Mission" and illegally sub-divided and sold trust lands to approximately 91 individuals starting from 1992. Furthermore, he committed criminal trespass by forcibly intruding into and illegally quartering unauthorized persons inside another trust building, the Indumati Girls Hostel.

6. Between October 8, 1992, and April 24, 2001, Dr. Sonule induced 17 specific victims to purchase non-existent plots and flats on the trust property. He repeatedly collected money from them and, when pressed for refunds or possession, issued forged documents, notarized affidavits, stamped receipts, and dishonored checks. The aggregate sum misappropriated from these 17 victims amounts to Rs.10,65,044/- (Ten Lakhs Sixty-Five Thousand Forty-Four Rupees). The 17 identified victims who surrendered their forged receipts and affidavits to the Property Manager. Based on these acts of forgery, fabrication of documents, land grabbing, criminal trespass, and cheating against Dr. Ashok Dayanand Sonule.

7. Investigation of this crime has conducted by Shri. Mahesh Sawant. During course of investigation, he has drawn spot panchanama, recorded statements of witnesses, arrested accused persons and collected documentary evidence from concern departments. After completion of investigation, final report under section 173(2) of Code of Criminal Procedure (*herein after referred as "Cr.P.C."*) was filed against accused for offence punishable under section 420, 465, 467, 468 and 471 of IPC and Sec.36 read with 67 of BPT Act.

8. Charge against accused at Exh-9, for offences punishable under sections 420, 465, 467, 468 and 471 of IPC and Sec.36 read with 67 of BPT Act

Charge was read over and explained to accused persons in Marathi. They understood the same, pleaded not guilty and claimed for trial.

9. After completion of evidence statements of accused are recorded under section 313 of Cr.P.C. at Exh.260 and 343. From the cross-examination and the statements of accused, the defence of accused appears to be of total denial and false implication.

10. Heard A.P.P. Smt. T. R. Pedanekar along with advocate Shri. S. P. Kulkarni, for State and Shri. V. V. Patil and Shri. Harikrushna Mishra learned advocate for accused, at length.

11. After going through the charge framed and evidence brought on record, the following points arise for my determination. Findings thereon are recorded for the reasons discussed herein under ;

Sr. No.	POINTS	FINDINGS
1.	Whether the prosecution proves that during the period from 08-10-1992 to 24-04-2001, the accused falsely represented himself as the President of S.P.G. Mission, Kolhapur, and dishonestly induced 17 witnesses to deliver a total sum of Rs.10,65,044/-, thereby committing an offence of Cheating punishable under Section 420 of the I.P.C.?	Affirmative.
2.	Whether the prosecution proves that during the aforesaid period and place, the accused made false lease deeds, affidavits, and receipts by placing his signature as President of S.P.G. Mission, Kolhapur, to cause damage/harm to the witnesses and the Bombay	

	Digestion Trust Association Pvt. Ltd., thereby committing an offence of Forgery punishable under Sections 465 and 467 of the I.P.C.?	Affirmative.
3.	Whether the prosecution proves that the accused forged the aforesaid lease deeds, affidavits, and receipts with the specific intention of using them for the purpose of cheating, thereby committing an offence punishable under Section 468 of the I.P.C.?	Affirmative.
4.	Whether the prosecution proves beyond reasonable doubt that the accused fraudulently and dishonestly used the said forged documents as genuine, knowing or having reason to believe them to be forged, thereby committing an offence punishable under Section 471 of the I.P.C.?	Affirmative.
5.	Whether the prosecution proves beyond reasonable doubt that the accused let out the landed property of Bombay Digestion Trust Association Pvt. Ltd. on a lease of 99 years without obtaining previous sanction from the Charity Commissioner, thereby contravening Section 36 and committing an offence punishable under Section 67 of the Bombay Public Trust Act?	Affirmative.
6.	What Order ?	As per final Order

REASONS

Ingredients Of Offences

12. Before the scrutiny of evidence brought on record, it will be appropriate to formulate essential requisites of such offences punishable under

section 420, 465, 467, 468 and 471 of IPC and sec.36 read with 67 of BPT Act. To prove charges prosecution must prove:

1. Section 420 I.P.C. Cheating and Dishonestly Inducing Delivery of Property

I) Deception: The accused falsely represented himself as the President/authorized representative of S.P.G. Mission, Kolhapur, having authority to transfer the landed property of Bombay Digestion Trust Association Pvt. Ltd.

II) The accused had dishonest intention right from the beginning (mens rea at the time the representation was made, not merely a subsequent breach of promise).

III) The 17 witnesses were induced to part with their money solely because of the false representation made by the accused.

IV) The victims delivered a total sum of Rs.10,65,044/- to the accused as a direct result of this inducement.

2. Sections 465 & 467 I.P.C. Forgery & Forgery of Valuable Security

Section 465 prescribes punishment for forgery (defined under Section 463/464), while Section 467 applies to aggravated forgery of valuable securities, wills, or authority documents.

I) The accused created, signed, or executed lease deeds, affidavits, and receipts claiming authority as President of S.P.G. Mission when he had no such legal authority.

II) The creation of these documents was intended to cause monetary or property loss to the 17 victims and Bombay Digestion Trust Association Pvt. Ltd.

III) The forged documents include lease deeds (for 99 years) and payment receipts, which legally fall under the definition of "valuable security" under Section 30 I.P.C. (creating or transferring legal rights/money).

3. Section 468 I.P.C. Forgery for the Purpose of Cheating

- I) The baseline elements of Section 463/464 must be established (creation of false lease deeds, affidavits, receipts).
- II) At the precise moment of creating or forging the documents, the accused's specific object was to use them to deceive the victims into parting with funds.

4. Section 471 I.P.C. Using as Genuine a Forged Document

Section 471 makes the deliberate use of a forged document punishable in the same manner as if the user had forged it.

- I) The lease deeds, affidavits, or receipts in question are forged documents in law.
- II) The accused knew or had reason to believe at the time of usage that the documents were forged.
- III) The accused presented, handed over, or relied upon these documents as genuine to convince the victims to pay money or take possession.

5. Section 36 read with Section 67 of the Bombay Public Trusts Act, 1950

Section 36 restricts the alienation of public trust property, and Section 67 penalizes contraventions.

- I) The land in question (C.S. No. 2355, A/D, Bramhapuri) belongs to a registered public trust / trust association.
- II) The accused purported to let out/lease the trust property for 99 years without obtaining prior written permission/sanction from the Charity Commissioner as mandated by Section 36.
- III) The accused acted or held himself out in a capacity dealing with trust land, attracting penalty under Section 67 for statutory non-compliance.

Arguments on Behalf of the Prosecution

13. The prosecution, through the advocate assisting the prosecution, submitted that BDTA Limited was a registered company formed prior to Indian independence as a trust and company originating from England, with its original public trust registration recorded under PTR No. 923/Bombay. In 2002, the Charity Commissioner of Bombay approved the minor name modification adding the word "Private," thereby issuing an updated Public Trust Register entry confirming that BDTA Private Limited is the exact same entity as the original trust.

14. Following independence, two specific properties of the trust located in Kolhapur were allotted to the complainant trust pursuant to a valid order passed by the City Civil Court in 1968. The trust subsequently filed a civil suit for possession against the accused who was merely a tenant in a portion of the trust premises and obtained a favorable decree. While the accused attempted to file a separate suit seeking declaration as a protected tenant, the investigating officer during the criminal probe seized various false and fabricated documents created by the accused.

15. Regarding the defense's strategy, the prosecution emphasized that the extensive compilation of additional documents produced by the accused forms no part of the official court record, as these documents were neither proved in evidence nor formally Exhibited. The prosecution maintained that Exh.128 constitutes valid authorization for informant Awale to lodge the criminal proceedings, that the requisite sanction under Section 83 of the Maharashtra Public Trusts Act was duly complied with or inapplicable to the criminal offenses charged, and that the evidence on record clearly proves the acts of forgery, cheating, and illegal possession committed by the accused.

Arguments on Behalf of the Accused

16. The advocate for the accused argued the case at great length, meticulously dissecting every line of the prosecution's record while submitting an additional compilation of documents for the court's consideration. The defense asserted that prior to independence, all lands and properties in Kolhapur belonged to the historical ruler Shahu Maharaj, who originally granted the property in dispute to the SPG Mission (Society for the Propagation of the Gospel). The local affairs and management of the Brahmpuri premises were historically handled by a manager named Hitten; following Hitten's death, the complainant's name was unilaterally and improperly entered into the revenue records.

17. The defense contended that SPG Mission Brahmpuri, Kolhapur, was in lawful existence long before the entry of the accused, and that following Hitten's death, the name of the accused was legally entered in the revenue record in the year 1987. On technical and procedural grounds, the defense argued that the resolution authorizing the filing of the complaint was never issued in the name of the present informant, Mr. Awale, and that Document Exh.128 fails to constitute a legal power of attorney or authority letter. Furthermore, the accused argued that the criminal prosecution is barred due to the lack of mandatory prior sanction under Section 83 of the Maharashtra Public Trusts Act before registering the complaint. Denying the ownership claims of both the complainant trust and BDTA Private Limited, the defense strongly maintained that there is no cogent evidence or document on record to demonstrate that the accused created any forged documents or committed any act of cheating.

18. The learned counsel for the accused also submitted detailed written notes of arguments, contending that the police machinery registered the crime without verifying the title and ownership of the subject property. A perusal of the

document indicates that, after giving an opportunity of hearing to BDTA Private Limited, the name of the accused was duly entered into the revenue records in the year 1987. It was further submitted that there is no single document on record to establish that the accused committed forgery of any document. The counsel submitted that the SPG Mission is solely and exclusively managed by the trust. Following the death of Hiten, the name of the accused was recorded as the President of the SPG Mission, and he has been managing its affairs in that capacity ever since. She further submitted that the burden lies squarely on the prosecution to prove all charges against the accused beyond reasonable doubt. It was also argued that BDTA Private Limited was not in existence prior to 2002; hence, the present complaint filed on behalf of BDTA Private Limited for offences alleged to have occurred prior to its incorporation is not maintainable. Lastly, the counsel submitted that this Court cannot place reliance on the judgment pronounced in Civil Suit No. 1142 of 1984, as the operation of the said judgment has been stayed by the Honourable High Court.

As To Point Nos. 1 to 5 :-

19. Points Nos. 1 to 5 being interrelated, they are taken up together for common discussion to avoid the repetition of evidence. To prove its case, the prosecution examined 13 witnesses and accused in his defence examined 3 independent witnesses.

20. The informant P.W.1 Jeevan Awale, who has been serving as the Property Manager at The Bombay Diocesan Trust Association Pvt. Ltd., Kolhapur, since December 20, 1997, testified regarding the long-standing civil and criminal disputes between the institution and the accused, Dr. Ashok Sonule, whom he has known since 1997. The informant verified his authority to handle court, revenue, municipal, and police matters on behalf of the Trust through his appointment letter (Exh.128), which bears the signature of the Resident Director

and Trustee. He explained that the Trust's properties span Western India, including prime land in Kolhapur situated at City Survey Nos. 2353 and 2355/A, D Ward, backed by Property Cards and mutation entries (Exh.129 and Exh.130). He detailed the history of the Trust (Registration No. B-923, Exh.131), clarifying that it was originally registered as "The Bombay Diocesan Ltd." under the Companies Act, later registered under the Bombay Public Trusts Act in 1962 as "The Bombay Diocesan Trust Association Pvt. Ltd.", and that the word "Private" was officially mutated in the Public Trust Register on July 17, 2002.

21. The witness further stated that the disputed properties originally belonged to "The Society for the Propagation of the Gospel in Foreign Parts," based in England, which transferred them to the Trust through Mumbai City Civil Court proceedings (Exh.132) and a subsequent 2001 judgment in Revision No. 35/2001 (Exh.133). He emphasized that the accused had no legitimate claim or connection to the Trust or its management. In 1984, the accused was merely granted an 11-month lease of the "St. John Bungalow" on Property No. 2355/A to run a hospital. However, the accused breached the agreement by subleasing the property for Marathi film shootings, physically assaulting and threatening the then-Property Manager, Sham Nana Sakate, when questioned, and forcibly trespassing into the Trust's "Indumati Girls Hostel" in an attempt to grab the property, leading to civil suits (Exh.134 and Exh.135).

22. To further his unlawful design, the accused registered a deceptively named entity in 1987 called the "Society for the Propagation of Gospel Mission Brahmapuri Kolhapur" (Reg. No. 4640). Appointing himself as President, the accused executed a false affidavit claiming all original trustees were deceased or abroad, thereby fraudulently mutating his name over City Survey Nos. 2353/D and 2355/A/D. The Trust successfully challenged these fraudulent entries through revenue and civil proceedings, resulting in orders in favor of the Trust

by the Deputy Director of Land Records (Exh.136 and Exh.137), while appeals and challenges filed by the accused including Civil Revision Application No. 16/2003 (Exh.139) and Charity Application No. 2033/2003 (Exh.140) were dismissed.

23. The informant testified that between 1992 and 2001, defying the accused fraudulently portrayed himself as the President of the Trust, forged letterheads and legal instruments, and illegally sold, leased, or mortgaged Trust properties to 91 individuals. Additionally, the accused defrauded 17 other victims by collecting money under the false pretense of providing plots and flats. When victims approached the Trust, the informant submitted a formal complaint application to the District Superintendent of Police on October 16, 2001 (Exh.141), followed by an FIR registered at Laxmipuri Police Station (Exh.142). He added that the accused was previously convicted in a similar criminal case registered by the Trust at Kagal Police Station (Regular Criminal Case No. 121/2001, Exh.144). The informant concluded his testimony by identifying the accused present in court and reiterating that the criminal proceedings were initiated due to the accused's acts of impersonation, forgery, property grabbing, and cheating.

24. The witness was cross-examined on behalf of the accused in details at length(*For 3 page cross examination, the defence cross examined the witness for over 25 pages*). Cross-Examination of informant and witness is on several points of defence hence, consider in detail.

25. During cross informant stated that he does not reside at CS No. 2355 A/D Ward, Kolhapur, S.P.G. Mission Kolhapur, Brahmapuri. On February 11, 1954, under the Bombay Public Trusts Act, 1950, "The Bombay Diocesan Trust Association" was not registered as a "Private" Limited entity. However,

when the complaint was filed on October 25, 2001, their trust was registered as a Private Limited entity, and he produced documents to show this. He denied the suggestion that the bungalow in possession of the accused consists of twenty-two rooms instead of five rooms along with a toilet and bathroom. He denied that the accused's office is adjacent to the bungalow. He admitted that there are two rooms in the adjacent guesthouse, denying that there are six. He stated that the accused only possesses the five-room St. John's Bungalow at CS No. 2355 A/D Ward, and denied that the accused holds two and a half acres containing three bungalows and open space.

26. He admitted that from February 11, 1954, to July 17, 2000, the name of the trust was "The Bombay Diocesan Trust Association Limited." He admitted that the accused had filed a complaint against him and M.A. Gyanankan alleging that they were not trustees and were interfering in trust administration, leading to their arrest. The witness volunteered that the Hon'ble Bombay High Court quashed the said complaint, and no charge sheet was filed, denying that he was lying about the quashing.

27. Regarding Exh.128, the witness stated it is the authorization letter issued to him, which he received by post in December 1997 at his Shahupuri address (425 E Ward, Shahupuri). He clarified that there is no area named Brahmapuri in Shahupuri. He did not preserve the envelope. He could not specify whether the letter was computer-typed or typewritten, but confirmed it was on the trust's letterhead. He mentioned holding a qualification in Civil Engineering and having visited the trust's main office in Mumbai multiple times for work.

28. He identified M.A. Gyanankan, P.B. Amole, Chacko, Balid, and Daniel Lewis as trustees known to him, though he did not know their residential

addresses. He located their office at 19 Hazarimal Somani Marg, Mumbai, describing it as a large British-era building flanked by the Garware building to the south and the Godrej building to the north. He could not state the office telephone number, but denied lying about the location.

29. He admitted that Exh.128 states he was to assist A.M. Gyanankan, but noted that it does not mention the details of the board/trust meeting where authorization was granted, nor does it explicitly empower him to file criminal/civil cases or give statements in court. He stated that A.M. Gyanankan was a trustee and resident director assigned to North Karnataka and Kolhapur, as indicated on the letterhead and rubber stamp. He admitted that Exh.128 titles the appointment as "Appointment of Property Manager BDTA property in Kolhapur" without using the word "Private", though the rubber stamp on it reads "BDTA Private Ltd." Prior to filing the complaint, written consent was sought and granted by the trustees, though he could not recall the exact dates.

30. The original letter given to the Crime Branch, Kolhapur, was shown to him. He admitted it states that "The Bombay Diocesan Trust Association Pvt. Ltd." is not registered under the Trusts Act (marked as Exh.150).

31. The witness stated he has knowledge regarding the company, its directors, property, trust, trustees, and trust properties. He admitted the organization was registered pre-independence under the Companies Act, 1913, and was later registered under the Bombay Public Trusts Act, 1950, as "The Bombay Diocesan Trust Association Limited" under PTR No. E-923. He showed this registration certificate to the police prior to filing the complaint, though he could not recall if he handed over a copy to the investigation officer.

32. He admitted that the Memorandum and Articles of Association bear the name "The Bombay Diocesan Trust Association Limited." He denied intentionally withholding documents from the investigating officer. He maintained that as of October 25, 2001, the entity's name under PTR E-923 was "The Bombay Diocesan Trust Association Private Limited." Upon inspecting the record, the witness acknowledged that the private limited registration certificate was not present in the court record.

33. He admitted that Exh.128 does not mention PTR No. E-923. He mentioned that the trust's Belgaum regional office sent him Exh.128. He admitted that SPG Mission (E-828) was a registered trust originally known as the "Society for the Propagation of the Gospel in Foreign Parts." Once E-828 was registered, properties of Foreign Parts were transferred to it. He admitted that in 1939, properties were mutated under Reverend C.H.H. Hittan, Missionary SPG Mission Kolhapur.

34. He admitted that the accused registered a society named "Society for the Propagation of the Gospel Mission, Brahmapuri, Kolhapur" (Reg. No. 4640), but denied it was formed for medical and religious services.

35. Regarding property entries, he stated that BDTA Private Limited's name was mutated on Property Cards (Exh.129 and 130) pursuant to court orders in Suit No. 6789/68. He admitted that the District Collector later removed BDTA Private Limited's name and substituted the accused's name as President of SPG Mission Kolhapur, after which the trust appealed and restored its name.

36. He admitted that the word "Private" is not mentioned in the Memorandum and Articles of Association of PTR E-923. He denied that any modification without bylaws provision is illegal. He admitted he was given

Kagal City Survey No. 2886 property via a sale deed dated June 28, 2002, executed by A.M. Gyanankan, but denied selling it to Joshi Builders in 2005.

37. He admitted that the complaint (Exh.142) does not explicitly state that he was authorized to represent the trust in courts, revenue, or police departments, nor does it list all regional trust properties across Maharashtra, Karnataka, Gujarat, and Rajasthan. However, he maintained these details were clarified in his supplementary statement to the police on March 25, 2002. He denied that the bylaws (Exh.165) produced by him were fake or forged to usurp properties. He admitted that Exh.165 does not bear signatures of trustees or signatures on clause 35 of the Articles of Association, but maintained it was a reprinted version from 1960. He denied giving false testimony against the accused.

38. The P.W.2 M.A. Gyanankan testified that he knows both the complainant, Jeevan Awale, and the accused, Dr. Ashok Sonule, identifying Jeevan Dattu Awale as the property manager of their Trust. He alleged that the accused, Ashok Sonule, illegally sold the Trust's properties to various individuals. The witness stated that he serves as a trustee director of their trust, "The Bombay Diocesan Trust Association Private Limited", which has been registered under the Bombay Public Trusts Act since 1954 under registration number E-923. He detailed that the Trust holds immovable properties across Maharashtra, Gujarat, Rajasthan, and Northern Karnataka, including specific properties in Kolhapur and Kagal, with the Kolhapur holdings designated as City Survey Nos. 2353-D Ward and 2355.

39. To substantiate his position, an extract from the Public Trust Register (PTR) at the Charity Commissioner's Office was submitted; upon being shown Exh.131 (PTR No. E-923 extract), the witness verified that his name is

recorded as a trustee on page 17. He further explained that the properties at City Survey Nos.2353 and 2355 were transferred to their Trust from the S.P.G. Mission pursuant to a court order in Suit No. 6789/68, an entry which is duly reflected in PTR E-923. Finally, the witness stated that in 1997, he issued a written appointment letter to Jeevan Awale designating him as the Property Manager. Upon being shown Exh.128, he identified the document, confirmed it bore his signature, and affirmed that its contents were true and correct.

40. The witness testified that he retired in 1984 and confirmed his full knowledge regarding the operations, properties, assets, and trustees of the Bombay Dinosaur Trust (PTR No. 923). While he did not know the name of the trustee who originally registered the entity, he acknowledged that it was initially incorporated as a company named "B. D. T. A. Limited" under the Companies Act before subsequently being registered as a Trust. When asked if he provided documents to the Investigating Officer concerning his 1995 trusteeship, he answered that the documents showing the entry in the PTR extract following the Charity Commissioner's approval had been provided. However, he subsequently testified that it was true he actually became a trustee for the first time in 1995 and that the office made its first submission regarding his appointment to the Charity Commissioner in that year.

41. The witness testified that, apart from the PTR extract, he did not recall whether or not he had produced any other documents on record to show that he became a trustee in 1995. He affirmed that he became a trustee of the trust named "B. D. T. A. Private Limited," but denied that the trust was named "The B. D. T. A. Limited" in 1995. He admitted that during the investigation, he did not submit documents to the Investigating Officer showing that their trust was B. D. T. A. Private Limited in 1995, though he asserted that he could produce such documents now.

42. The witness was cross-examined on behalf of the accused in details at length (*For 3 page cross examination, the defence cross examined the witness for over 25 pages*). Regarding the appointment of Jeevan Awale as Property Manager, the witness stated that Awale was appointed by the Trust upon his recommendation. He confirmed that the main office of the Trust is located in Mumbai and that it has no other office anywhere else. He agreed that appointing a person as Property Manager requires a resolution passed in the Board of Trustees meeting; however, he refuted the suggestion that it is mandatory to forward the appointment letter of a Property Manager to the Charity Commissioner.

43. When cross-examined on Exh.128 (the appointment letter), the witness acknowledged that it bears no signature of any trustee other than his own and contains no reference to any Board resolution. He also conceded that Exh.128 was not dispatched from the Trust's office, voluntarily adding that as he was managing the Trust's affairs in his dual capacity as Trustee and Resident Director, he conducted much of the official work from his residence. While he denied the assertion that Exh.128 fails to mention him as a trustee, he admitted that on the letterhead of Exh.128, his name appears with the designation "Resident Director North Karnataka" rather than "Trustee." Finally, he agreed that Exh.128 explicitly designates the position as "Property Manager BDTA Property In Kolhapur."

44. The witness testified that he was not a trustee in the year 1997. He admitted that the round seal of the Trust on Exh.128 does not bear the registration number of the Trust. He further acknowledged that Exh.128 was sent from his residence and does not contain an outward/dispatch number. Regarding the appointment of Jeevan Awale as Property Manager, the witness stated that he had not issued a written letter to their head office in Mumbai, but had only

communicated the information verbally. He agreed that the Trust's registration number is not mentioned anywhere on Exh.128, voluntarily explaining that this was because no other trust exists under the name of B.D.T.A. Private.

45. He denied the defense suggestion that their Trust was not "B.D.T.A. Private Limited" in 1997, claiming he had examined the entry in PTR E-923 showing the Trust as a Private Limited entity in 1997. However, he conceded it to be true that the word "Private" was added to the name of the Trust, "B.D.T.A. Limited," in PTR No. E-923 pursuant to an order of the Charity Commissioner dated July 17, 2002.

46. The witness affirmed that he had examined the rules and bye-laws of B.D.T.A., i.e., PTR No. E-923, and agreed that these bye-laws were filed under the name "B.D.T.A. Limited." He voluntarily added that an appendix supplement for B.D.T.A. Private Limited was annexed to it, though he could not recall whether the said supplement was submitted on record, whether an acknowledgment of its submission was obtained, or the date of its filing. He also could not recall whether the bye-laws and appendix were originally presented under the name "B.D.T.A. Limited." He admitted that when the initial rules were framed, there was no provision included regarding changing the name of the company/trust.

47. Finally, the witness denied the suggestion that he is currently not a trustee, asserting that he continues to serve as a trustee to date and can produce documents to prove his current status. He admitted that his name was suspended for a period of six months. The witness testified that he did not file an appeal against the order by which he was removed for a six-month period, explaining that he was reinstated as a trustee after the six months elapsed. He admitted that an inquiry was conducted against him before the Joint Charity Commissioner

under Section 41D of the Bombay Public Trusts Act, in which allegations were made that they had illegally sold the properties of the Trust.

48. Regarding the historical ownership and registration of the disputed properties, the witness stated that he is unaware of whether "The Society for the Propagation of the Gospel in the Diocese of Bombay" is a trust under PTR No. E-828, and denied knowledge of it being registered as such on November 10, 1953. He expressed ignorance as to whether the Kolhapur properties bearing City Survey Nos. 2353 and 2355 originally belonged to Shahu Maharaj. Furthermore, he testified that he does not know who C.J.C. Navel is or whether Navel registered the trust under PTR No. E-828. He similarly professed ignorance regarding whether Shahu Maharaj granted the properties at City Survey Nos. 2353 and 2355 in Kolhapur to H.H. Hittan in recognition of his Christian missionary work, whether properties located elsewhere in India were held by clergymen in England, or whether C.J.C. Navel succeeded H.H. Hittan in carrying out that work.

49. The witness denied as untrue the suggestion that after H.H. Hittan went abroad, the properties at City Survey Nos. 2353 and 2355 in Kolhapur came into the possession of the accused's father and were mutated in the name of the accused. He stated that he had neither examined nor produced documents showing whether, prior to 1968, both Kolhapur properties were owned by "The Society for the Propagation of the Gospel in Foreign Parts." He expressed inability to state whether the Trust's name was "B.D.T.A. Limited" in 1968.

50. He denied the suggestion that the accused, Dr. Sonule, had been looking after the affairs of the B.D.T.A. Limited Trust since 1995. While he could not confirm whether Dr. Sonule resides in the properties at City Survey Nos. 2353 and 2355 in Kolhapur, he stated that they had rented out the property

to him for a clinic, adding that he was not a trustee at the time the property was leased to the accused. He refuted the defense suggestion that the accused pays the taxes for the said properties, though he admitted that he did not submit any documents to the Investigating Officer to prove that the Trust was paying the property taxes.

51. The witness stated that the organization was originally registered as a company under the Companies Act before being registered as a trust. He asserted that he became a director/trustee in September 1995 and served as a Resident Director for North Karnataka. He maintained that he is still a trustee today, though he stopped managing the trust's daily operations around 2010 and never formally resigned. The witness admitted that the original bylaws did not contain a provision to change the name of the company/trust. He acknowledged that on July 17, 2002, the word "Private" was added to the name "BDTA Limited" in Public Trust Register (PTR) No. E-923 by an order of the Charity Commissioner. He conceded there are no documentary records on file showing the trust was named "BDTA Private Limited" prior to July 17, 2002. He admitted that when the trust was registered in 1954 under PTR No. E-1923 / E-923, its registered name was not "BDTA Private Limited." The witness recalled that after he became a trustee in 1995, his office submitted a change report to the Charity Commissioner. However, he could not recall the exact date of the board meeting, the resolution date, or the change report number. When asked what document he provided to the investigating officer to show he became a trustee in 1995, he answered that he provided the PTR extract showing the entry after approval by the Charity Commissioner.

52. He denied defense suggestions that he became a trustee for the first time in 1998 or that the change report was filed only in 1998. He conceded that Joint Charity Commissioner Jawatkar had initiated inquiry proceedings against

him under Section 41D of the Bombay Public Trusts Act regarding allegations of illegal sale of trust property. He was suspended for six months but did not file an appeal against the suspension order because he was reinstated after the six-month period expired.

53. The witness stated that Jeevan Dattu Awale was appointed as Property Manager for the trust upon his recommendation. He admitted that normally, an appointment of a Property Manager requires a formal resolution passed in a Board of Trustees meeting. However, he could not recall the specific date, resolution, proposer, or seconder for Awale's appointment. He admitted that Exh.128 (the appointment letter for Jeevan Awale) bears only his signature and does not contain signatures of other trustees, does not mention any board resolution, lacks a dispatch/outward number, does not bear the official seal of the association, and does not list the registration number of the trust.

54. He clarified that Exh.128 was issued from his home address where he conducted official work as Resident Director and lists his designation as "Resident Director North Karnataka" rather than "Trustee." The witness identified Exh.165 (bylaws, Memorandum of Association, and Articles of Association) submitted in court, admitting that these documents belong to the company and were initially filed in proceedings in the Hubli court. He admitted that Exh.165 does not contain signatures on page 4, lacks the seal of the company or trust, and lacks the signature of the Assistant Registrar, whereas Exh.204 contains the original company stamp. He admitted that back in 1928, the trust/company was not a private entity.

55. The witness denied knowing the historical ownership details regarding Shahu Maharaj, H.H. Hittan, or whether the properties originally belonged to "The Society for the Propagation of the Gospel in Foreign Parts" /

SPG Mission. He admitted he produced no utility bills or tax receipts given to the investigating officer showing tax payments made for these properties prior to 2001. He stated the trust rented a portion of the property to the accused (Dr. Sonule) for a clinic. Kagal Property: He stated he appointed the complainant as Property Manager to look after trust properties. He denied selling Property No. 2886 in Kagal to Joshi Builders in 2005 without Charity Commissioner approval. Prior Arrest: The witness admitted he was arrested by Azad Maidan Police in Mumbai over alleged bogus property transactions and spent four days in police custody. Civil Suit No. 1142/1984: He acknowledged the existence of Civil Suit No. 1142/1984 involving the accused, where an order was passed directing the plaintiff to produce registration certificates showing it was a private trust. He could not recall whether he produced those documents following the court order. Final Cross-Examination Denials.

56. The witness denied that the accused, Dr. Sonule, was running the affairs of BDTA Limited since 1995. He denied that he had no authority to appoint a property manager or that he gave false testimony to grab or illegally sell the properties of BDTA Limited. He admitted that apart from the PTR schedule, he has no other documentary proof on record showing trust possession over the Brahmapuri property prior to July 17, 2002.

57. The P.W.No.3, punch witness Harshvardhan, stated that the accused was arrested on August 15, 2002. He testified that while he was standing in front of the accused's house, the police summoned them to act as panchas. At that time, the wife of the accused was inside the house; the police knocked on the door, and it was opened. Upon entering, the police opened the cupboard inside the house and inspected the articles, recovering several receipts, tax payment receipts, and documents related to the SPG Mission, all of which were seized by the police. He confirmed that the panchanama drawn up in this regard at Exh.171

is correct. He further testified that a total of three receipt books under Exh.174 were seized in his presence, confirming their accuracy and stating that these receipt books were carbon copies. He identified Exh.175 as carbon counterfoils of rent receipts. He stated that the documents at Exh.176 pertained to plot possession certificates. Regarding Exh.177, he mentioned it was an affidavit and noted that follow-up action with a handwriting expert was ongoing in respect of it. He deposed that a total of 13 original stamp papers under Exh.178 were seized in his presence. Under Exh.179, he identified five blank stamp papers, out of which one was a Rs.50 stamp paper in the name of Iqbal Mujawar and four were Rs.10 stamp papers in the name of Shabana Firoz Mulani. He further stated that Exh.180 consisted of blank letterheads of the SPG Mission. He also testified to the seizure of certain other documents under Articles A, B, D, and E in his presence. Furthermore, he stated that the seal marked as Article 17 was seized in his presence, bearing the inscription "SPG Mission." Finally, he testified regarding Article 13, which contained three original applications submitted by SPG Mission members Ashok Garje, Dilip Sawant, and Jayant Gaikwad seeking the cancellation of their membership, which were marked as Exh.183 to 185.

58. P.W.No.4, Hemant Birje, stated in his examination-in-chief that on August 10, 2002, he was called by the Crime Branch Police, in whose presence a panchanama was conducted regarding the personal search of the accused. During the personal search, documents related to the SPG Mission, bogus plot papers concerning Survey Numbers 23/55 and 23/53, along with various other documents, were seized from the accused, Ashok Sonule. These documents were contained inside a file, and he confirmed that the panchanama recorded in this regard was true and correct as per Exh.214.

59. P.W.No.5, Sachin Shillya, stated in his examination-in-chief that on August 16, 2002, the Crime Branch Police summoned him to act as a panch

witness. The police obtained signatures of the accused on a total of six blank papers, taking three specimen signatures of the accused on each sheet. The panch witness subsequently signed each paper and identified these documents as correct, which were marked as Exh.218 to 223. He further confirmed that the handwriting specimens obtained were those recorded under Exh.224 to 229, and affirmed that the panchanama regarding the seizure was true and correct as per Exh.230.

60. P.W.No. 6, Pramod Yedekar, stated in his chief-examination that in the year 1999, while residing in a rented house at Siddharth Nagar, he wished to purchase a house of his own. At that time, he approached the accused, Ashok Sonule, at Brahmapuri, where the accused instructed him to pay Rs.40,000/- for a flat. Accordingly, after he paid the cash amount of Rs.40,000/- to the accused, the accused issued him a receipt of Rs.500/-. However, the accused failed to hand over the flat and kept delaying the matter on one pretext or another. Subsequently, the witness approached Jeevan Awale of the Trust and lodged a complaint.

61. P.W.No.7, Ujjwala, similarly deposed that in 1999, while residing at Siddharth Nagar, they went to Ashok Sonule at Brahmapuri regarding the purchase of a flat. The accused asked them to pay Rs.20,000/- to become members, instructing them to make receipts of Rs.1,511/- each. She stated that in 1999, they paid Rs.40,000/- to Sonule, for which the accused issued a receipt of Rs.5,000/- and a cancellation form was executed in that regard, which she identified as Exh.234.

62. P.W.No.8, Rukmini Kamble, also stated in her chief-examination that in 1999, while living in a rented house at Siddharth Nagar, she wanted to

purchase land and therefore approached the accused. The accused took a receipt from them and collected Rs.40,000, but failed to provide the land.

63. P.W.No.9, Bipin Shintre, testified that in 1992, while living in a rented house and looking to buy property, his parents wanted to purchase a flat. His father selected the plot and introduced him to the accused. His father paid various amounts to the accused from time to time, such as Rs.10,000/- and Rs.5,000/- and the accused agreed to allot Plot Nos. 46 and 47 to the witness's father and issued receipts for the same; however, the land was never delivered.

64. P.W.No.10, Malan Raste, stated that in 1996, while working as an ayah in a hospital, she wanted to purchase a house or land. Upon learning that plots were being laid out at Brahmapuri, she made inquiries with Sonule. Sonule asked her to pay money to become a member, whereupon she paid Rs.50,000/- and Rs70,000/- to Sonule, for which he issued receipts. Later, she realized that the land was not delivered and the receipts provided by Sonule were bogus and forged. The accused neither provided the land nor refunded the money, and the police recorded her statement accordingly. She further stated in her chief-examination about receiving a measurement notice as per Exh.241 in her presence.

65. P.W.No.11, Akram Mehboob Shaikh, deposed that in 1997, while living in a rented house, he wished to buy land and paid Rs.28,000/- to the accused from time to time towards the purchase. He became a member as instructed by the accused. Despite the lapse of four to five years, the accused neither allotted the land nor refunded the money. When he demanded the money back, the accused issued a cheque which bounced upon presentation. The accused continued to evade payment and failed to return the money. The witness

identified the cheque given by the accused and the accompanying memo at Exh.243 to 247.

66. Investigating Officer (PW-12) Mahesh Sawant, stated during his examination-in-chief that while he was serving as an Inspector at the Local Crime Branch, Kolhapur, in the year 2001, he received an official communication from the Superintendent of Police on October 25, 2001, during office hours. Pursuant to that communication, he registered a First Information Report (FIR) based on the application marked as Exh.141. The case was registered as Crime No. 79/2001 for offenses punishable under Sections 420, 465, 467, 468, and 471 of the Indian Penal Code. He personally conducted the investigation into the crime and recorded the statements of all the witnesses mentioned in the complaint application. After the anticipatory bail application of the accused was rejected, he arrested the accused and seized various documents from his possession. Upon conducting a personal search as well as a search of the accused's residence in the presence of the accused's wife, he seized stamps, course papers, and other crime-related materials, drawing up a seizure panchnama marked as Exh.171. Thereafter, specimen signatures of the accused were obtained on different sheets of paper in the presence of panchas, for which a panchnama marked as Exh.230 was executed, and the said documents were forwarded to the handwriting expert for opinion. The report of the handwriting expert was marked as Exh.262. He deposed that upon securing sufficient evidence against the accused, he filed the charge sheet in court.

67. Handwriting Expert (PW.13) Jaysingrao Landage deposed at Exh.321. He deposed that he have experience of 35 years as a hand-writing expert. He have examine and reported several documents. On 09.09.2022 he received the documents in present crime from the Kolhapur S.P. Office. He has submitted his report at Exh.325. During verification he examined stamp papers

and documents as marked and provided by the I.O. Report at Exh.262 is true and correct. He deposed that signatures under verifications was of same person. During cross-examination he admitted that his report is a opinion and not evidence. He submitted that change of mood or illness of person cannot change his hand-writing or signature. Except this nothing came on record to disbelieve his testimony.

68. Upon reviewing the total evidence of the prosecution, it is observed that the defense conducted a detailed and exhaustive cross-examination relying heavily on the oral testimony and cross-examination of the complainant and Witness No. 2. In the cross-examination of Witness No. 3, who is a seizure Panch witness, no circumstance has emerged that would create doubt regarding the prosecution's case or the seizure Panchanama, or from which the accused could derive any benefit. Similarly, in the cross-examination of the remaining prosecution witnesses (Witness Nos. 4 to 11) conducted on behalf of the accused, no such matter has come on record that would raise suspicion about the prosecution's version or extend any benefit to the accused.

69. During his cross-examination, the Investigating Officer denied the suggestion that there was a dispute between the accused's trust and the complainant's trust. However, he admitted that the Charity Commissioner had submitted a clarification regarding both trusts, wherein it was reported that the trust established by the accused was non-existent. He confirmed in cross-examination that the Charity Commissioner had issued reports to this effect on May 22, 2001, June 14, 2002, June 26, 2002, and February 14, 2002. He denied the suggestion that he conducted a false investigation to favor the complainant's trust, alleging it to be fake. Furthermore, he stated that he was unaware that the disputed property bearing Survey/Plot Nos. 2353 and 2355 belonged to Shahu

Maharaj of Kolhapur, nor was he aware that the said land had been granted by Shahu Maharaj to H. Hittan, a missionary of the SPG Mission, Kolhapur.

ACCUSED ORAL EVIDENCE

70. The accused examined a total of three witnesses in defense. Accused Witness No. 1, Balasaheb Dakare, stated in his examination-in-chief that he has been residing at Brahmapuri for the last 20 years. He further stated that the property originally belonged to Shahu Maharaj and was subsequently given to the SPG Mission, Kolhapur. The said property previously belonged to a trust, with H.H. Hittan serving as its former president, followed by Sonule, who succeeded him as president and let out the property on rent to the general public. He mentioned that the trust was registered in the year 1997 and that about 70 to 80 families have been residing there as tenants, with their names recorded as tenants in the revenue records.

71. Accused Witness No. 2, Noorjahan Jamadar, stated in her examination-in-chief that she has been residing in the property of the SPG Mission since her childhood. She deposed that Ashok Sonavale, the president of the mission, had leased out the said premises on a 99-year lease agreement.

72. Accused Witness No. 3, Shyam Sakate, similarly deposed that he has known the accused for the past 30 years and confirmed that the property belongs to the SPG Mission. He further stated that the accused is the president of the said organization, that the premises had been leased out since the time of the accused's father, and that the accused currently maintains and looks after the property. During cross-examination he admitted that before some time he was manager for B.D.T.A. Trust. He deposed that he could not recollect that he had filed suit against the accused for possession of the property in dispute. He admitted that he had filed complaint against accused being manager which is at

Exh.136. Suggetion was given to the witness that he was removed from the B.D.T.A. for illegal act.

DOCUMENTARY EVIDENCE

73. Documentary evidence at Exh.129 is a property card for City Survey No.2353. A perusal of the same reveals that in the year 1970, the name of H. H. Hittan was removed, and an entry in the name of the Bombay Diocesan Trust Association was recorded. The said order was stayed and subsequently vacated by the Sub-Divisional Office pursuant to an application by the accused in the year 1987. On 21.08.1987, the name of the accused was entered in the revenue records in place of Hittan. Again, on 14.12.1987, as per the order of the revenue officer, the name of the accused was removed. Thereafter, the revenue dispute before the revenue authority continued until 09.12.1991. Since 13.11.1992, the names of several persons have been entered in the revenue records as tenants of the accused. Document at Exh.130 is a property card for C.S. No. 2355-A. A perusal of the same shows that almost identical entries were recorded compared to C.S. No. 2353.

74. Document at Exh.131 is a Public Trust Register (PTR) issued by the Charity Office, Mumbai. On page no. 9, entries in respect of properties at Kolhapur have been recorded. The Trust Registration number is E-923 in respect of The Bombay Diocesan Private Trust Association Ltd. The copy of the PTR was issued in the year 2006. The PTR contains data regarding the trustees and properties of the trust, The Bombay Diocesan Private Trust Association Ltd. Witness No. 2, Gnyanchand, is a trustee of the trust.

75. The prosecution has mostly relied upon the plaint and judgment of the Hon'ble Bombay City Civil Court passed in Civil Suit No. 6789 of 1968 at Exh.132. The said suit was filed by M. Jacov, Yes. Lutulkkkan, and the Society for

the Propagation of the Gospel in Foreign Parts a body corporate with its office in the UK and a local office against the Charity Commissioner, Maharashtra. The suit was filed to discharge the name of the Society for the Propagation of the Gospel (who was Plaintiff No. 3) and to accept the new scheme as annexed to the plaint.

76. Document at Exh.135 is a judgment passed in RCS No. 1142/1984 on 01.04.2013. The suit was filed by the informant trust against the present accused for the recovery of possession. Possession was sought in respect of five rooms at CS No. 2355-A, D-Ward, Kolhapur. It was contended that the property had been given on a monthly rent to the defendant, i.e., the present accused. In the suit, the issue of ownership was decided in favor of the plaintiff, and the suit was decreed with a direction against the present accused to hand over vacant possession to the plaintiff.

77. Document at Exh.137 is a copy of the order passed by the Deputy Commissioner of Land, Pune. The revenue entries in favor of the accused were challenged, and the authority allowed the appeal against the accused, directing that the entry be maintained in the name of The Bombay Diocesan Private Trust Association Ltd. This order was challenged by the accused, but the revision application of the accused was rejected by the Principal Secretary on 22.07.2004 as per the order at Exh.138.

78. The accused had challenged the acceptance of the change report filed by The Bombay Diocesan Private Trust Association Ltd. on 17.07.2002. The revision filed by the accused was dismissed by an order dated 17.09.2007.

79. Documents at Exh.183 to 185 are applications submitted by members of the Society for the Propagation of the Gospel, Brahmapuri,

Kolhapur, to the president, who is the present accused. By the said letters, the members submitted their resignations from their respective posts.

80. Documents at Exh.186 to 189 are copies of receipts issued by the accused acknowledging the acceptance of money from prosecution witnesses. The receipts were issued for the purchase of a plot at C.S. No. 2355-A. Documents at Exh.190 to 192 are vouchers regarding the refund of amounts to different persons. Document at Exh.178 consists of stamp papers. The accused had prepared affidavits with third parties regarding a 99-year tenancy for C.S. No. 2355-A. Document at Exh.180 is a letterhead of the SPG Mission. The document indicates that the trust was established in the year 1953 and registered under the Bombay Public Trusts Act under registration No. 828. The accused is the president of the trust. Exh.176 is a possession receipt issued by the accused in favor of third parties.

81. Document at Exh.171 is a panchanama dated 15.08.2002 prepared by the Investigating Officer. A perusal of the same reveals that it was prepared in front of the house of the accused at Brahmapuri regarding the seizure of documents from the house of the accused. A detailed panchanama was prepared, and the I.O. seized receipt books, possession receipts, affidavits of the accused, letterheads of the SPG Mission, certain files, and other documents as stated by the panch witness and mentioned in the panchanama.

APPRECIATION OF EVIDENCE

82. The informant, serving as Property Manager for The Bombay Diocesan Trust Association Ltd., Kolhapur, since 1997, testified that accused Dr. Ashok Sonule fraudulently attempted to grab the Trust's prime Kolhapur properties (City Survey Nos. 2353 and 2355/A) by registering a deceptively named entity in 1987, submitting false affidavits claiming the original trustees

were deceased or abroad, and illegal mutating his name onto property records. The witness explained that after the accused's initial 11-month lease of the "St. John Bungalow" in 1984 devolved into illegal subleasing, physical assault, and trespassing, Sonule defied multiple court stay orders between 1992 and 2001 by using forged letterheads to illegally sell, lease, or mortgage Trust properties to 91 people, while cheating 17 others out of money under the pretense of providing land. Following repeated legal victories defending the Trust's true registration and ownership, the informant lodged a formal complaint with the District Superintendent of Police (Exh.141) and an FIR at Lakshmipuri Police Station (Exh.142), pointing out that the accused who was present in court and had previously been convicted in a similar case (Exh.144) acted entirely without authority to cheat both the Trust and the public.

83. The core dispute revolves around whether the complainant entity is legally registered as "The Bombay Diocesan Trust Association Limited" or "The Bombay Diocesan Trust Association Private Limited" under Public Trust Register (PTR) No. E-923. The witness admitted that historical documents, Memorandum of Association, and early registrations reflect "Limited" rather than "Private Limited," and the word "Private" was formally added/updated much later around July 2002. Admittedly, the name of the Trust was legally changed to "Private Limited" by the Charity Commissioner upon accepting the change report in the year 2002. Prior to that, the trust was known without the "Private" designation. The defense raised by the accused arguing that because "Private Limited" was legally added only in 2002, the entity did not exist beforehand and the complaint is therefore non-maintainable is devoid of merit. A "Limited" company and a "Private Limited" company represent the same underlying corporate structure, and merely adding the word "Private" does not alter the fundamental legal status or entity of the Trust. Consequently, the accused cannot derive any legal benefit from this minor technical variance.

84. The witness relies on an authorization letter (Exh.128) received from the Belgaum office. Under cross-examination, he admitted that Exh.128 lacks a dispatch number from Belgaum, does not cite any specific board resolution, and does not explicitly authorize him to initiate criminal prosecutions or civil litigation. To set the criminal law in motion, whether the authority letter or power of attorney was strictly or legally executed is not a material question. In criminal law, the principle of locus standi is broadly construed. As established by the Hon'ble Supreme Court in **A.R. Antulay v. R.S. Nayak**, anyone can set the criminal law in motion unless a specific statutory bar exists. The complaint filed by PW-1 as Property Manager on behalf of a registered public trust (PTR No. E-923), which holds valid revenue entries, is fully maintainable. Minor administrative deficiencies in Exh. 128 (such as the absence of a dispatch number or board resolution) do not vitiate the prosecution, as criminal courts take cognizance of offences, not offenders or complainants. The primary consideration for the court is whether the accused has committed the alleged offense. The identity or formal authorization of the individual who sets the law in motion carries minimal weight in criminal proceedings. Admittedly, several civil and criminal litigations are pending between the present informant's Trust and the accused. In many of those matters, the accused himself has impleaded the present informant as a party on behalf of the Trust. Therefore, minor procedural discrepancies such as the authorization letter issued to the informant lacking an outward number or bearing an incorrect seal do not provide valid grounds to challenge the informant's locus standi or vitiate the entire criminal proceeding against the accused.

85. The witness denied the accused's claim of possessing a 22-room bungalow and 2.5 acres of land at CS No. 2355 A/D Ward, Kolhapur, asserting instead that the accused only holds a 5-room bungalow (St. John's Bungalow).

He acknowledged ongoing litigation, revenue disputes, and appeals regarding property entries involving SPG Mission (PTR E-828) and BDTA.

86. The witness admitted failing to produce several key documents during the initial police complaint including the original private limited registration certificate, dispatch envelopes, property tax receipts, and signed originals of the trust bylaws (Exh.165). He denied all allegations of fabricating documents or filing a false case against the accused.

87. In his testimony, the trustee director of "The Bombay Diocesan Trust Association Private Limited" (PTR No. E-923) corroborated the illegal sale of Trust properties by the accused, Dr. Ashok Sonule, and validated Exh. 128 (the appointment letter designating Jeevan Awale as Property Manager), though cross-examination exposed severe procedural anomalies and contradictions regarding the witness's own credentials, corporate history, and property oversight. The witness was forced to concede that the Trust's name was officially modified to add "Private" only in July 2002, that Exh.128 was issued from his personal residence without an outward dispatch number or secondary trustee signatures, and that his letterhead designated him merely as "Resident Director North Karnataka" rather than "Trustee" a role he initially claimed to hold in 1995 before admitting he became a trustee in 1998, and later acknowledging he was not a trustee in 1997 and had been suspended for six months following a Section 41D inquiry into illegal property dealings. Furthermore, despite asserting the Trust's ownership of City Survey Nos. 2353-D and 2355 transferred via a 1968 court decree, the witness expressed complete ignorance regarding the original historical land grants by Shahu Maharaj, the prior registration of the S.P.G. Mission under PTR No. E-828, and failed to produce tax receipts or police documentation disproving the accused's long-standing possession and management of the disputed Kolhapur premises.

88. The prosecution witnesses were cross-examined at length by the defense, but nothing favorable to the accused emerged on record. Prosecution Witness Nos. 3 and 4 are the panch witnesses in whose presence the physical evidence was seized by the Investigating Officer during the investigation. During cross-examination, Prosecution Witness No. 3, Harshvardhan, duly identified the seized documents, which were consequently marked as Exh.s. The primary role of a panch witness is to attest to the factual recovery and seizure of documents from the custody of the accused; they are not concerned with the substantive legal validity of those documents. Nothing was elicited during the cross-examination of the panch witnesses to discredit their testimony regarding the execution of the Seizure Panchnama in their presence or the recovery of documents from the accused's possession. The remaining prosecution witnesses comprise the victims who paid monetary sums to the accused to purchase plots of land. Upon accepting these payments, the accused issued stamped receipts and executed affidavits in favor of the victims. During cross-examination, the defense failed to bring out any material contradictions or facts to disbelieve the victims' consistent testimony that they had indeed paid money to the accused for purchasing the Trust's land. Conversely, the accused examined three defense witnesses. Defense Witness Sham Sakate is an interested witness. During cross-examination, he explicitly admitted that he had previously filed a civil suit against the present accused for recovery of possession. Admittedly, he was removed from the Trust's management, and the present informant was appointed following his removal. Crucially, he admitted that the properties involved in the present crime belong to the BDTA Trust.

89. To establish an offense under Section 420 of the Indian Penal Code (IPC), the prosecution must prove beyond a reasonable doubt that the accused deceived the victims, acted with dishonest or fraudulent intention from the inception of the transaction, induced the victims to part with their

property/money based on such deception, and thereby caused the delivery of valuable property. In analyzing the evidence on record, a clear pattern of criminal conduct meeting all requisite statutory elements under Section 420 IPC emerges regarding the actions of the accused, Dr. Ashok Sonule.

90. Prosecution relied upon the Judgement of Hon'able Karnataka High Court in ***Revision Petition no. 1313 of 2018 reported in 2026 Daksha Legal Karnataka 557***, The court held that the accused had engaged in clear impersonation and cheating from the very inception of the transaction by falsely claiming ownership over the property in question, despite possessing no right or title to it. By creating a fraudulent document (Ex.P3) and receiving a sale consideration of Rs.39,500, the accused demonstrated a dishonest intention to make a wrongful gain while causing a direct loss to the actual owner. Because the necessary legal ingredients for offenses under Sections 417 and 420 of the Indian Penal Code were fully established, the court concluded that this was not a case of giving "criminal color" to a civil dispute.

91. In ***Robert Salvi v. Ashok Sonule (1992)***, the High Court of Bombay quashed a magistrate's order issuing process against three petitioners (accused Nos. 1–3) for alleged forgery under Section 467 read with Section 34 of the Indian Penal Code. The complainant, Dr. Ashok Sonule, had alleged that the petitioners fraudulently deleted the name of the "Society for the Propagation of the Gospel (S.P.G. Mission)" from property revenue records to transfer title to the "Bombay Diocesan Trust Association Pvt. Ltd." However, the High Court observed that this mutation in the records was actually carried out pursuant to a valid 1969 decree passed by the Bombay City Civil Court, which had lawfully vested the property in the Bombay Diocesan Trust Association. The court criticized the complainant for jumping to unfounded allegations of forgery without making basic inquiries with the S.P.G. Mission or the City Survey

authorities, and noted that the magistrate failed to exercise adequate caution before issuing process against the petitioners who were retired public servants with no personal financial stake in the transaction. Finding the magistrate's order taking cognizance to be prima facie erroneous, the High Court allowed the criminal writ petition and quashed the proceedings against the petitioners.

92. The accused has relied upon a series of judgments that primarily pertain to the facts and principles of civil litigation. It is well settled that a precedent applies only to the extent of its ratio decidendi in light of the facts involved. The legal propositions laid down in those civil matters have no bearing or relevance to the criminal charges presently framed against the accused before this Court. Specifically, the accused relies upon the decision of the Hon'ble apex Court in ***Balakrishna Galande v. Balakrishna Gupta (MANU/SC/0148/2019)*** and ***Rajiv Gupta v. Prashant Garg***. These judgments pertain to suits for permanent injunction under Section 38 of the Specific Relief Act, 1963, wherein the Hon'ble Supreme Court held that a plaintiff seeking a permanent injunction must prove actual possession of the suit property as on the date of filing the suit. The defense counsel's contention that the prosecution has failed to establish continuous or actual possession on the date of filing the complaint is legally misplaced. Possession as contemplated under civil property law is entirely distinct from the factual requirements under criminal jurisprudence for establishing the ingredients of the alleged offenses. Therefore, the ratio laid down in these civil judgments is wholly inapplicable to the present proceedings.

93. The accused has relied upon the judgment of the Hon'ble Supreme Court in ***S.N. Vijayalakshmi v. State of Karnataka (2025 INSC 917)*** to contend that to attract the offense of cheating under Sections 415 and 420 IPC, dishonest intention must exist at the very inception/harboring of the promise. Purely civil disputes should not be given a criminal cloak, and concurrent

criminal proceedings on identical facts amount to an abuse of process where no criminal element is present. While the proposition of law laid down in S.N. Vijayalakshmi is undisputed, it is inapplicable to the present facts. Here, the prosecution has brought on record specific material demonstrating that the accused possessed dishonest intention right from the inception. The allegations do not stem from a mere breach of a civil contract, but from deliberate fraudulent misrepresentations and deception, thereby satisfying all the statutory ingredients under Sections 415 and 420 IPC.

94. The accused has relied upon a series of judgments of the Hon'ble Supreme Court including ***Mohammed Ibrahim & Ors. v. State of Bihar & Ors. (2009) 8 SCC 751***, ***Sheila Sebastian v. R. Jawaharraj & Anr. (AIR 2018 SC 2434)***, and ***Elizabeth Flora v. State of Goa (2026 SCC OnLine Bom 2078)*** to contend that the offense of forgery under Sec. 464 IPC requires the actual creation or making of a "false document" by the accused. Under Explanation 2 to Section 464 IPC, a person cannot be held liable as the maker of a forged document unless they personally executed or created it. Merely executing a document claiming title over a property that does not vest in the executant does not automatically constitute a "false document" under Sections 467 and 471 IPC.

An analysis of Section 464 of the Penal Code shows that it divides false documents into three categories:

I). *The first is where a person dishonestly or fraudulently makes or executes a document with the intention of causing it to be believed that such document was made or executed by some other person, or by the authority of some other person, by whom or by whose authority he knows it was not made or executed.*

II). *The second is where a person dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part, without*

lawful authority, after it has been made or executed by either himself or any other person.

III). The third is where a person dishonestly or fraudulently causes any person to sign, execute or alter a document knowing that such person could not by reason of (a) unsoundness of mind; or (b) intoxication; or (c) deception practised upon him, know the contents of the document or the nature of the alteration.

95. The accused relies on the judgment of the Hon'ble Supreme Court in ***Rahul v. State (Criminal Appeal No. 611/2022)*** to argue that suspicion or moral conviction cannot replace legal proof beyond reasonable doubt. It is submitted that the prosecution does not seek conviction on suspicion or external pressure, but on cogent, admissible documentary and oral evidence adduced on record, which fully meets the statutory standard of proof.

96. The accused relies on the judgment of the Hon'ble Supreme Court in ***George v. State of Tamil Nadu (2024 SCC OnLine SC 3730)*** for the proposition that enmity is a double-edged sword. While previous enmity may provide a motive for false implication, it equally provides the motive for committing the crime itself. Where the evidence of witnesses is reliable and corroborated by physical and documentary evidence, the plea of false implication on account of enmity cannot be accepted.

97. The accused relies on the judgment of the Hon'ble Supreme Court in ***Vandana v. State of Maharashtra (Criminal Appeal No. 3977/2025)*** regarding the benefit of doubt where two views are possible, and the requirement of proving custody/control over a forged document. In the present case, the chain of custody of the forged document and the direct involvement of the accused in

its creation and usage have been unequivocally established by the prosecution, leaving no scope for two plausible views.

98. The accused further relies upon the judgments of the Hon'ble High Court of Bombay in ***Elizabeth Flora v. State of Goa (2026 SCC OnLine Bom 2078)*** In these decision, the Courts observed that to attract the offense of forgery, the execution/making of a "false document" is a prerequisite. Merely executing a sale deed transfer or conveyance while falsely claiming ownership over a property does not automatically constitute the creation of a "false document" under Sections 467 or 471 of the Indian Penal Code, provided the document was genuinely executed by the person claiming to execute it. Criminal proceedings must not be misused or weaponized as an alternative forum to settle purely civil disputes or exert pressure for settlement. While the prosecution does not dispute these settled legal propositions, the factual matrix of the present case is entirely distinguishable. In the present matter, the accused has actively engaged in acts that directly satisfy the statutory elements of making a false document and committing forgery under the law. The present complaint has not been initiated to settle a civil score, but to prosecute a clear criminal act. Consequently, the judgments relied upon by the accused do not advance their defense, and the arguments advanced on their basis deserve to be rejected.

99. The accused relies on precedents holding that an unregistered trust cannot institute or maintain a civil suit. Nature of Proceedings (Civil Bar vs. Criminal Offense): Statutory bars prohibiting unregistered trusts or societies from filing civil suits (e.g., under Section 47 or Section 50 of the Maharashtra Public Trusts Act, 1950) govern private civil remedies and property rights. They do not bar the criminal justice machinery from investigating or prosecuting statutory offenses under the Indian Penal Code (IPC). Unlike civil suits where a plaintiff must establish a formal legal right to sue, criminal law can be set in

motion by any person who has knowledge of the commission of a cognizable offense. Here, Jeevan Dattu Aawale filed the complaint as a property manager holding a valid Power of Attorney from the parent trust The Bombay Diocesan Trust Association Pvt. Ltd. (Reg. E-923 / Company Act No. 1450) which holds clear, registered revenue entries (May 14, 1970) over C.S. No. 2355 A/D Ward.

100. The offenses alleged (land grabbing, criminal trespass, forgery, and systematic cheating of 17 victims out of Rs.10,65,044/-) are offenses against the State and public order, making civil registration bars completely irrelevant to criminal prosecution. In ***S.N. Vijayalakshmi v. State of Karnataka (Supra)*** The accused argues under that there was no dishonest intention at the inception, making this a purely civil dispute (breach of contract) that cannot be given a "criminal cloak." The accused initially entered into an 11-month lease agreement for St. John Bungalow with the late property manager Sham Nana Sakate under the specific pretense of running a medical dispensary. Instead of opening a clinic, he immediately used the property for movie shoots, illegal construction, and quarrying, and later mobilized goons to terrorize the manager. This establishes dishonest intention right from the inception.

101. In year 1987 the accused registered an entity with an intentionally similar name "Society for the Propagation of Gospel Mission Brahmapuri Kolhapur" under the Societies Registration Act, 1860, while deceptively posing as the Chairman of the historical SPG Mission. He used this fake front to illegally subdivide and sell land belonging to the legitimate parent trust (The Bombay Diocesan Trust Association Pvt. Ltd., backed by a 1953 registration and a City Civil Court Decree in Suit No. 6789/1968). Over a period of years (1992 to 2001), the accused induced 17 specific victims into buying non-existent plots/flats, collected Rs.10,65,044/-, and handed them forged receipts, notarized

affidavits, and bounced checks when they demanded refunds. This is a pattern of active, ongoing criminal deception, not a simple commercial breach.

102. In ***Mohammed Ibrahim v. State of Bihar, Sheila Sebastian v. R. Jawaharraj, and Elizabeth Flora v. State of Goa (Supra)*** executing a document claiming title over property that does not belong to the executant does not constitute a "false document" under Section 464 IPC, unless the accused personally fabricated or forged signatures/impressions. In ***Mohammed Ibrahim*** applies where an accused sells land belonging to another by claiming it is his own (a defective title/impersonation of ownership without making a false document). In the present case, the accused did not merely execute a conveyance with defective title; he created and issued fabricated receipts, false notarized affidavits, and forged documents under the umbrella of a bogus, illegally styled society to induce victims to hand over money.

103. The defense's reliance on these decisions is misconceived. The ratio of ***Mohammed Ibrahim(Supra)*** states that executing a sale deed claiming ownership over another's land does not automatically constitute a 'false document' under Section 464 IPC. However, the present case is clearly distinguishable. Here, the accused did not merely execute contracts in his individual capacity claiming title; he fabricated letterheads, seals (Article 17), and receipts under the deceptive name of 'SPG Mission Kolhapur' (Reg. No. 4640) to fraudulently convey that these instruments were issued by the historic, legally recognized public trust 'SPG Mission' (PTR E-828). By making documents intended to pass off as executed under the authority of a body/capacity he did not possess, the accused directly satisfies Clause First of Section 464 IPC. The physical fabrication of receipts (Exh. 174, 175) and possession certificates (Exh. 176) bearing unauthorized entity seals constitutes the creation of false documents within the meaning of Sections 463 and 464 IPC

104. In ***Rahul v. State (Supra)*** cautions against convicting on suspicion or moral outrage without evidentiary backing. In this case, the prosecution's allegations are grounded in concrete documentary evidence, registered title deeds, City Civil Court Decree No. 6789/1968, revenue entry dated May 14, 1970, dishonored cheques, and the 17 physical forged receipts/affidavits surrendered by the victims. While the accused claims false implication due to prior rivalries or complaints at Laxmipuri Police Station, ***George v. State of Tamil Nadu (Supra)*** explicitly affirms that enmity is a double-edged sword. Previous friction over the accused's illegal quarrying and intimidation provides a clear motive for the accused to commit the crime (land usurpation and forgery). Where direct witness testimony (17 victims and the property manager) is corroborated by documentary evidence, the plea of false implication must fail.

105. In ***Vandana v. State of Maharashtra (Supra)*** applies where two equally plausible views exist or where the chain of custody of a document is broken. Here, the chain of custody is intact: the 17 victims surrendered the forged receipts and affidavits directly to the Property Manager, who deposited them with the investigating authorities. The primary accused is the sole beneficiary and author of the fraudulent transaction, leaving no alternate plausible explanation or scope for reasonable doubt.

106. Regarding the element of Deception, the evidence unequivocally demonstrates that the accused falsely represented himself as the President and authorized representative of the "Society for the Propagation of Gospel Mission Brahmapuri Kolhapur," an entity deceptively named and registered under Reg. No. 4640 in 1987. The witness testimonies, along with the revenue record history (Exh.129 and 130) and official Charity Commissioner reports dated 2001–2002, confirm that the accused created a non-existent or fraudulent entity to usurping title over City Survey Nos. 2353 and 2355/A belonging to The Bombay Diocesan

Trust Association (BDTA) Ltd. (PTR No. E-923). The accused was merely an 11-month tenant of "St. John Bungalow" starting in 1984. Despite possessing no lawful title or authority to act on behalf of the BDTA Trust, he falsely represented to prospective buyers that he was authorized to lay out plots, issue memberships, and transfer flat or land rights on these Trust lands.

107. Regarding Fraudulent/Dishonest Intention at Inception, the evidence establishes that the accused possessed the requisite mens-rea right from the beginning of these transactions. The accused knew that the land belonged to the Trust, as demonstrated by the civil suit for eviction pending against him (RCS No. 1142/1984, Exh.135) and the revenue proceedings where his fraudulent mutations were repeatedly set aside (Exh.136 and 137). Despite being aware that he had no legal title, transferrable rights, or authority to convert Trust land into private plots or flats, he executed false affidavits, created unauthorized letterheads, and registered a deceptively similar entity to mimic the original SPG Mission. His act of accepting funds for property he knew he could never lawfully transfer confirms that his intent was dishonest at the very moment he solicited money from the victims. The fraudulent intention from the inception is further fortified by the fact that the accused obtained initial permissive possession of St. John Bungalow in 1984 strictly under an 11-month lease for running a medical clinic. Instead, he systematically attempted to create third-party rights, registered a parallel entity with a deceptively identical name in 1987, and continued to extract money from victims (PW-6 to PW-11) even during active eviction decrees (RCS No. 1142/1984) and adverse revenue rulings. This persistent course of conduct proves beyond doubt that his intention was dishonest at the very moment he solicited funds and issued receipts.

108. Regarding Inducement, the prosecution witnesses including PW-6 (Pramod Yedekar), PW-7 (Ujjwala Yedekar), PW-8 (Rukmini Kamble), PW-9

(Bipin Shintre), PW-10 (Malan Raste), and PW-11 (Akram Mehboob Shaikh) testified that they approached the accused seeking residential plots or flats in the Brahmapuri area. They were induced to enter into agreements and part with their hard-earned money solely because the accused falsely held himself out as the President of the SPG Mission with the legal authority to grant memberships, issue allotment certificates, and deliver possession. The victims relied entirely on these false assurances and receipts issued under the guise of the SPG Mission.

109. Regarding Delivery of Property, the evidence confirms that as a direct consequence of the accused's deceptive representations, multiple victims delivered substantial sums of money to him. PW-6 and PW-7 paid Rs.40,000/- for a flat; PW-8 paid Rs.40,000/-; PW-9's father paid installments of Rs.10,000/- and Rs.5,000/- for Plot Nos. 46 and 47; PW-10 paid Rs.50,000/- and Rs.70,000/-; and PW-11 paid Rs.28,000/-. When victims requested refunds after realizing no land could be delivered, the accused issued cheques that bounced (Exh.243 to 247) or evaded payment altogether. Seized items under Exh.171, 174 and 176 (including carbon counterfoils, plot possession certificates, and money receipts) corroborate that a total sum of Rs.10,65,044/- was unlawfully collected from 17 victims through this fraudulent setup. The prosecution has successfully established all the core ingredients of Section 420 IPC. The accused's acts of impersonating a lawful authority over Trust land, combined with the inception-stage fraudulent intent to misappropriate funds from gullible buyers, directly resulted in the delivery of money under false pretenses. Therefore, the legal finding under Section 420 IPC stands proved against the accused beyond a reasonable doubt.

110. The provisions of Section 463 of the Indian Penal Code define forgery as the creation of any false document or electronic record with the intent to cause damage or injury to the public or any person, to support any claim or

title, or to cause any person to part with property. Section 464 I.P.C. elaborates that a person makes a false document if they dishonestly or fraudulently sign, seal, or execute a document intending to convey that it was executed by or under the authority of a person by whom they know it was not made. Section 465 I.P.C. penalizes simple forgery, while Section 467 I.P.C. covers aggravated forgery involving documents that purport to be a "valuable security" under Section 30 I.P.C. defined as any document creating, extending, transferring, restricting, extinguishing, or releasing legal rights or financial liabilities.

111. In evaluating the evidence, the record establishes that the accused created a deceptively named entity in 1987 styled "Society for the Propagation of Gospel Mission Brahmapuri Kolhapur" (Reg. No. 4640) and appointed himself as its President. Under this false persona, he executed false affidavits, claiming that all original trustees of the genuine Trust were deceased or abroad, to fraudulently mutate his name over prime Trust property at City Survey Nos. 2353/D and 2355/A/D (Exh.129 and 130). The physical evidence seized during the investigation including three receipt books containing carbon copies (Exh.174 and 175), plot possession certificates (Exh.176), executed stamp papers (Exh.178), blank letterheads (Exh.180), and the metal seal inscribed "SPG Mission" (Article 17) was verified by the handwriting expert's report (Exh.262) using specimen signatures (Exh.218–229) to match the handwriting of the accused. Furthermore, Public Trust Register Extract PTR E-923 (Exh.131), the City Civil Court judgment in Suit No. 6789/1968 (Exh.132), and the judgment in RCS No. 1142/1984 (Exh.135) confirm that sole title belonged to The Bombay Diocesan Trust Association Ltd. and that the accused was merely an 11-month lessee of five rooms in "St. John Bungalow" with zero legal authority to alienate property.

112. Applying the statutory provisions to these facts, the accused possessed full knowledge that he was merely a monthly tenant under a 1984 lease agreement. Despite lacking title or authorization from the legitimate Trust, he executed 99-year lease agreements, plot possession certificates, and payment receipts. Because these instruments explicitly purported to create, transfer, and extend long-term leasehold rights and financial obligations over immovable property, they fall squarely within the definition of a "valuable security" under Section 30 I.P.C. By making these documents under a deceptive persona to induce the belief that they carried legal sanction, the accused satisfied every element of making a false document under Section 464 I.P.C. His clear intention was to cause direct financial loss to the true owner (the Trust) and unlawfully gain from third parties, thereby proving the charges under both Section 465 I.P.C. and Section 467 I.P.C. beyond reasonable doubt.

113. Section 468 of the Indian Penal Code penalizes anyone who commits forgery intending that the forged document or electronic record shall be used for the purpose of cheating, as defined under Section 415 I.P.C. Section 415 I.P.C. defines cheating as deceiving any person and fraudulently or dishonestly inducing them to deliver property or consent to the retention of property. To sustain a conviction under Section 468 I.P.C., the prosecution must prove the baseline elements of forgery under Section 463/464 I.P.C. alongside the specific mens-rea existing at the precise moment of fabrication to use the false documents to cheat.

114. The testimony of multiple victim witnesses establishes the execution of this dishonest design. Pramod Yedekar (PW-6) and Ujjwala Yedekar (PW-7) testified that in 1999, the accused induced them to pay Rs.40,000/- for a flat and collected Rs.20,000/- in membership fees, issuing bogus receipts (Exh.234) under his fake entity before failing to deliver the flat or refund the

money. Rukmini Kamble (PW-8) deposed that in 1999, she was similarly induced to pay Rs.40,000/- for land against fake receipts without receiving property. Bipin Shintre (PW-9) detailed how his father paid installments of Rs.10,000/- and Rs.5,000/- for Plot Nos. 46 and 47 based on representations by the accused. Malan Raste (PW-10) testified that in 1996, the accused collected Rs.50,000/- and Rs.70,000/- (totaling Rs.1,20,000/-) from her for plots at Brahmapuri against bogus membership receipts. Finally, Akram Mehboob Shaikh (PW-11) deposed that he paid Rs.28,000/- for land, and when he demanded a refund, the accused issued a cheque (Exh.243–247) that was dishonored upon presentation.

115. The evidence demonstrates that the accused did not forge the letterheads, affidavits, and receipts in isolation. Instead, he fabricated these instruments specifically to project a plausible appearance of legal authority over City Survey Nos. 2353 and 2355/A. By displaying these forged credentials and plot layouts, he deceived ordinary citizens into believing he held valid title to convey land, directly inducing them to part with substantial sums of money. The forged receipts served as the immediate mechanism to perpetuate the deception and retain the fraudulently acquired funds. This direct temporal connection between the creation of false documents and the extraction of money establishes that the baseline forgery was committed for the explicit purpose of cheating under Section 468 I.P.C.

116. Section 471 of the Indian Penal Code stipulates that whoever fraudulently or dishonestly uses as genuine any document or electronic record which they know or have reason to believe to be forged shall be punished in the same manner as if they had forged the document. To secure a conviction under this section, the prosecution must establish three key elements: first, that the document in question is a forged document; second, that the accused used it

fraudulently or dishonestly as genuine; and third, that the accused knew or had reason to believe at the time of usage that the document was forged.

117. The trial record details the active reliance on these forged documents across administrative and criminal contexts. The accused personally submitted false affidavits (Exh.177) and fake society registration details (Reg. No. 4640) to revenue authorities to secure unauthorized mutation entries in his name over City Survey Nos. 2353 and 2355/A (Exh.129 and 130). He also personally uttered and handed over forged plot certificates (Exh.176) and carbon receipts (Exh.175) to victims (PW-6 through PW-11), presenting them as genuine instruments issued by a lawful owner. Investigating Officer Mahesh Sawant (PW-12) confirmed that official reports from the Charity Commissioner (dated May 22, 2001, Feb 14, 2002, June 14, 2002, and June 26, 2002) verified that the entity registered by the accused was non-existent and had no legal claim over the properties.

118. All statutory requirements of Section 471 I.P.C. are fully satisfied by this evidence. The plot possession certificates, receipts, and affidavits were proven to be forged false documents lacking legal validity. As the orchestrator who fabricated these documents, the accused possessed actual, personal knowledge of their fraudulent character. His deliberate production and submission of these spurious instruments to revenue officers to usurp Trust land, and to prospective buyers to extract money under the pretense of granting valid title, constitutes active, dishonest usage under the law. Furthermore, relying on these fake instruments to assert possession and resist civil and administrative challenges (such as CRA No. 16/2003 and Charity Application No. 2033/2003) completes the offense under Section 471 I.P.C.

119. The prosecution evidence establishes that the disputed land at City Survey Nos. 2353 and 2355/A, D-Ward, Brahmmapuri, Kolhapur, constitutes public trust property under the regulatory ambit of the Bombay Public Trusts Act, 1950 (now the Maharashtra Public Trusts Act, 1950). The official Public Trust Register (PTR No. E-923) issued by the Charity Commissioner's Office, Mumbai (Exh.131), along with the historic decree of the Hon'ble Bombay City Civil Court in Suit No. 6789/1968 (Exh.132), conclusively demonstrates that the ownership and legal title of the land rest with the registered trust entity, The Bombay Diocesan Trust Association (BDTA) Ltd. This property status is further corroborated by the property cards (Exh.129 and 130) and the civil court judgment in Regular Civil Suit No. 1142/1984 (Exh.135), which determined the question of title against the accused and ordered him to surrender possession to the Trust. The accused's own defense witness, Accused Witness No. 1 (Balasaheb Dakre), explicitly admitted in his testimony that the land originally belonged to a public trust, thereby removing any ambiguity regarding the public trust character of the immovable property.

120. Under Section 36 of the Bombay Public Trusts Act, 1950, any sale, mortgage, exchange, or gift of any immovable property, or any lease for a period exceeding three years in the case of agricultural land or exceeding one year in the case of non-agricultural land belonging to a public trust, is strictly invalid unless executed with the prior written sanction of the Charity Commissioner. The evidence on record reveals that the accused, Dr. Ashok Sonule, created unauthorized tenancies, plot allotments, and long-term lease arrangements most notably executing a 99-year lease agreement over the Trust's premises as testified by Accused Witness No. 2 (Noorjahan Jamadar) and further confirmed by the testimonies of victims PW-6 through PW-11. The investigating officer, PW-12 (Mahesh Sawant), produced official communications from the Charity Commissioner confirming that the parallel society registered by the accused

(Reg. No. 4640) had no legal standing or authority over these trust lands. The prosecution established beyond doubt that no prior permission or written sanction was ever sought or granted by the Charity Commissioner authorizing any alienation, lease, or creation of third-party rights over C.S. Nos. 2353 and 2355/A.

121. Section 67 of the Bombay Public Trusts Act, 1950, specifically penalizes any person who alienates or attempts to alienate public trust property in contravention of Section 36. The accused, despite having full knowledge that he was merely a short-term tenant under a 1984 lease agreement for "St. John Bungalow" and that his unauthorized revenue entries were repeatedly set aside by the Deputy Director of Land Records (Exh.137) and the Principal Secretary (Exh.138), actively held himself out as the President and managing authority of the SPG Mission to deal with the trust land. By executing allotment papers, issuing plot possession certificates (Exh.176), collecting membership fees and plot charges, and granting long-term 99-year leases to unsuspecting members of the public without statutory sanction, the accused acted in direct defiance of the statutory restrictions on alienation. Consequently, the act of encumbering and transferring rights over registered public trust property without the mandatory prior approval of the Charity Commissioner clearly attracts the penal consequences contemplated under Section 36 read with Section 67 of the Act.

122. Regarding the defense contention that the entire prosecution is barred due to the lack of mandatory prior sanction under Section 83 of the Bombay Public Trusts Act, 1950, a strict reading of the statutory framework reveals that this defense argument is legally untenable. Section 83 mandates prior sanction of the Charity Commissioner specifically for initiating prosecutions for offenses punishable under the Bombay Public Trusts Act itself (such as penalties prescribed under Section 67 for contravention of Section 36). However, the

accused was primarily charged and tried under the general criminal law provisions of the Indian Penal Code (IPC) specifically Sections 420, 465, 467, 468, and 471 based on Crime No. 79/2001 registered pursuant to the FIR (Exh.142) lodged by informant Jeevan Awale. The requirement of prior sanction under Section 83 does not govern or restrict the registration of an FIR or the prosecution of offenses under the Indian Penal Code, as IPC offenses constitute distinct, substantive statutory crimes against society that are governed by the Code of Criminal Procedure.

123. Furthermore, even to the extent of statutory non-compliance under Section 36 read with Section 67 of the Act, the record demonstrates that the police investigation was preceded by official communications, reports, and clarifications issued by the Charity Commissioner's Office on May 22, 2001, June 14, 2002, June 26, 2002, and February 14, 2002, confirming the non-existent status of the accused's entity and the illegal nature of the transactions as deposed by the investigation officer. It is a well-settled proposition of law that the absence of statutory sanction under a special state does not affect or invalidate prosecution for independent offences punishable under the Indian Penal Code (Sections 420, 465, 467, 468, 471 IPC), which are distinct offences governed by the Code of Criminal Procedure. Even assuming argument, that procedural non-compliance affects the conviction under Section 36 r/w Section 67 MPTA, the convictions under Sections 420, 467, 468, and 471 IPC stand fully independent, unaffected, and proven beyond reasonable doubt. Therefore, the absence of a formal Section 83 sanction order does not vitiate the jurisdiction of the criminal court or invalidate the trial for IPC offenses of cheating, forgery, and impersonation. All constituent elements of statutory contravention under Section 36 read with Section 67, as well as the independent criminal liability under the Indian Penal Code, stand conclusively proved against the accused.

124. The prosecution has successfully demonstrated through official public records that title and management of the subject premises reside exclusively with The Bombay Diocesan Trust Association Pvt. Ltd. Minor technical variations in the name or minor procedural omissions in the Property Manager's authorization letter do not vitiate the prosecution's authority or the maintainability of the complaint. The testimonies of the victim-witnesses remain unimpeached. The prosecution has proved that the accused accepted monetary sums under the false pretense of selling trust property over which he possessed no ownership or conveyancing rights, having initially obtained permissive possession solely for operating a medical clinic under a temporary lease. The execution of the Seizure Panchnama was fully corroborated by Panch Witness No.3 (Harshvardhan). The physical recovery of fake affidavits, stamped receipts, and allotment letters from the accused's custody coupled with victim testimonies establishes that the accused fabricated and knowingly uttered false documents as genuine to execute his illegal land-grabbing scheme. The defense witnesses failed to weaken the prosecution's case. Defense Witness Sham Sakate admitted during cross-examination that the properties belong to the BDTA Trust, thereby corroborating the core premise of the prosecution. Hence, Point Nos. 1 to 5 are answered in the affirmative.

As to Point No. 6:

125. Considering the findings recorded above for Point Nos. 1 to 5, the accused is held guilty for the offences punishable under Sec.420, 465, 467, 468 and 471 of IPC and Sec.36 read with 67 of BPT Act. The proceedings were halted at this stage to hear the arguments of the prosecution and the accused on the quantum of punishment.

126. The learned APP, appearing on behalf of the prosecution, submitted that the maximum punishment provided under the law be imposed against the

accused. It was submitted that the accused has committed a grave and serious offence against trust property. The accused is not entitled to any benefits under the Probation of Offenders Act, 1958, nor is he entitled to any lenient view, as he intentionally committed the offences proven against him. Conversely, accused personally and the learned advocate for the accused submitted that the accused did not commit the offence intentionally and has been falsely implicated. It was submitted that the accused is a senior citizen with a family dependent upon him. Considering his advanced age and long trial the accused prayed for a lenient view and requested to be released after extending the benefits under the Probation of Offenders Act, 1958.

127. Heard both sides and perused the record. From the record, it appears that the accused was merely a tenant of the informant trust. He intentionally registered an independent society/entity having a similar name to illegally grab the property and enter his name into the revenue records. The accused did not stop there; he further committed the offence of selling properties that did not belong to him and with which he had no legal concern. The accused accepted monetary amounts from several victims by falsely holding himself out as authorized to sell those properties. The accused even failed to refund or return the money to the several victims. Owing to such fraudulent conduct by the accused, extensive litigation was initiated and remains ongoing. The accused is the primary instigator due to whom the disputes regarding the present trust and its properties commenced as far back as 1984. Proceedings in several courts are still underway, and for all these litigations, the accused is solely responsible for creating false and fabricated documents in respect of the trust property. Considering the gravity of his actions, the accused is not entitled to any benefit under the Probation of Offenders Act, 1958, as prayed. So far as the victims are concerned, appropriate compensation ought to be paid to them out of the fine

amount imposed upon and deposited by the accused. Hence, answering Point No. 6 accordingly, the Court proceeds to pass the following order :

ORDER

1. Accused Ashok Dayanand Sonule is hereby convicted for the offence punishable under Sec.420, 465, 467, 468 and 471 of IPC and Sec.36 read with 67 of BPT Act, vide Section 248(2) Code of Criminal Procedure.
2. For the offence punishable under Sec.420 of IPC, the accused is sentenced to undergo Simple Imprisonment for one (1) year and to pay a fine of Rs. 20,000/-, in default, to undergo Simple Imprisonment for one month.
3. For the offence punishable under Sec.465 of IPC, the accused is sentenced to undergo Simple Imprisonment for One (1) year and to pay a fine of Rs.5000/-, in default, to undergo Simple Imprisonment for one month.
4. For the offence punishable under Sec.467 of IPC, the accused is sentenced to undergo Simple Imprisonment for Three (3) year and to pay a fine of Rs.20,000/-, in default, to undergo Simple Imprisonment for one month.
5. For the offence punishable under Sec.468 and 471 of IPC, the accused is sentenced to undergo Simple Imprisonment for one (1) year and to pay a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for one month.
6. For the offence punishable under Sec.36 read with 67 of BPT Act, the accused is sentenced to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for one (1) days.

7. Bail bond of accused be surrendered.
8. The sentence of imprisonment shall be executed concurrently.
9. Accused is entitled for set off period of imprisonment of seven (7) days as per section 428 of Cr.P.C.
10. Out of the total fine amount, Rs.45,000/- be paid to the victims as compensation under Section 357(1)Code of Criminal Procedure.
11. Accused shall execute PB and SB of Rs.15000/- in view of section 437-A of Code of Criminal Procedure.
12. Copy of judgment be supply to accused free of cost.



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HARIBHAU
DASHARATH
DESHINGE
Date: 2026.09.29
16:10:36 +0530

Date-29/09/2026
Kolhapur

(H. D. Deshinge)
Addi. CJM, Court No.21, Kolhapur.