

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 271 OF 2015

ASHOK S/O DHONDIBA KAJALE & ORS
VERSUS
THE STATE OF MAHARASHTRA & ORS

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Advocate for Petitioner : Mr. Kale Mahesh P.
APP for Respondent/State : Mr. B.L. Dhas

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.
Dated: July 20, 2015

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PER COURT :-

Heard.

2. This Petition is filed with the prayer that, the respondents be directed to carry out the investigation in the crime bearing Cr. No. I-187/2014 registered with Jawahar Nagar Police Station, Aurangabad for the offences punishable under Section 420, 406, 465, 467, 468, 471, 120-B, 107, 109, 114 r/w section 34 of I.P. Code and under Sections 3 and 4 of the Maharashtra Protection of Investors' Rights Act, 1999 along with

Section 66(D) of the Information Technology Act along with sections 4, 5, 6 of Price Chits and Money Circulation Schemes Banning Act, 1978 by the Central Bureau of Investigation. There is another prayer to appoint a Commission for enquiry, headed by the Retired High Court Judge or retired Principal District Judge, into the matter with powers to receive all individual and public complaints regarding Superpower Investment Services India Limited and other similar companies involved in the scam in the entire Maharashtra and to forward such complaints to authorities concerned including the Special Investigation Team. There is another prayer seeking directions to the Respondent - State Government to release sum of at least Rs. 50,00,00,000/- (Rs. Fifty crores only) for payment of aggrieved depositors apart from the money that may be raised from selling of the assets of the companies, who are involved in the fraud committed with the depositors and the same be distributed amongst all petitioners as per their share.

3. So far, the prayer to investigate into the crime No.I-187/2014 is concerned, the Economic Wing of Jawaharnagar Police Station, Aurangabad has already investigated into the said crime and the charge-sheet is already filed. When the charge-sheet is filed, the concerned Court is seized with the matter, therefore, the said prayer cannot be acceded to. However, if the petitioners have any further grievance during the course of trial, they can bring it to the notice of Investigating Officer, which will take care of their grievances.

4. So far, the prayer for direction to appoint commission for enquiry, headed by the retired High Court Judge or retired Principal District Judge, into the matter is concerned, the petitioners have already registered the offence. Same is investigated and the charge-sheet is filed. The Maharashtra Protection of Investors' Rights Act, 1999 provides specific

mechanism. It is submitted by the learned Additional Public Prosecutor that, already the respective Collectors of the respective districts have seized the movable and immovable properties of the accused, therefore, the prayer of the petitioners to appoint the commission for enquiry, headed by the retired High Court Judge or retired Principal District Judge, deserves no consideration.

5. So far, prayer of the petitioner for directions to the Government of Maharashtra to pay Rs.50 Crores for payment of aggrieved depositors is concerned, as already observed, the investigation is over, the charge-sheet is filed, property of the accused is seized and hence, the prayer to direct the State Government to deposit Rs. 50 Crores is premature at this stage, and therefore, the adjudication of the said prayer at this stage is not necessary.

6. The learned counsel appearing for the

petitioners submits that, the concerned Officers have seized the properties of only accused and not the agents. In that respect, we make it clear that, the petitioners will be at liberty to make appropriate representations to the respective Collectors of the respective districts or the concerned Investigating Officers for redressal of their grievances. In case, such representations are filed, the concerned Authorities to look into it forthwith and take the action, as permissible in law.

7. With the above observations, the Petition stands disposed of.

(**A. I. S. CHEEMA, J.)**

(**S.S. SHINDE, J.)**

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