

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO.1880 OF 2015**

Shyamrao Bansi Khesmhalaskar,
Age-45 years, Occu:Agril.,
R/o-Khadambe Khurd, Tq-Rahuri,
Dist-Ahmednagar.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through Rahuri Police Station,
Tq-Rahuri, Dist-Ahmednagar,
- 2) Shri Bapusaheb Shankarrao Fugare,
Age-47 years, Occu:Service as
Extension Officer, Panchayat Samiti,
Rahuri, Tq-Rahuri, Dist-Ahmednagar.

...RESPONDENTS

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Mr.N.C. Garud Advocate for Applicant.
Mr.V.D. Godbharle, A.P.P. for Respondent No.1.

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**CORAM: S.S. SHINDE AND
A.I.S. CHEEMA, JJ.**

DATE : 8TH JUNE, 2015

ORAL ORDER :

1. Heard learned counsel for the Applicant

and learned A.P.P. for State.

2. The learned counsel appearing for the Applicant invited our attention to the circulars issued by the Government of Maharashtra dated 30th November 1978 and also by the Commissioner, Nashik Division, Nashik and submits that in case the alleged misappropriated amount is deposited immediately, in that case in view of the said circulars no prosecution should be launched against the concerned Sarpanch. It is submitted that the Applicant is no way concerned with the alleged misappropriation and therefore, this Application be allowed.

3. The learned A.P.P. vehemently opposed the prayer and submitted that Charge-sheet is already filed on 31st December 2014. Investigating agency has collected sufficient material to prosecute the Applicant. The learned A.P.P. prayed that the Application be dismissed.

4. We have heard the learned counsel for the Applicant, perused the contents of the charge-sheet and other documents placed on record. It appears that alleged misappropriation is to the tune of Rs.2,71,500/-. Therefore, by any stretch of imagination the afore mentioned circulars would not apply in the present case. There was joint account of the Applicant and Gramsevak. In that view of the matter, as charge-sheet is already filed and prosecution machinery has collected the evidence, we are not inclined to entertain the Application.

5. Criminal Application is rejected.

[A.I.S.CHEEMA, J.]

asb/JUN15

[S.S.SHINDE, J.]