

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3131 OF 2015**[Balasaheb s/o Pandurang Kapse Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri H.P.Jadhav, advocate for applicant
Smt. S.G.Chincholkar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 17th July, 2015****PER COURT :-**

- 1] Heard Shri H.P.Jadhav, learned counsel for applicant and Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the respondent/State.
- 2] The applicant is apprehending his arrest, in connection with Crime No. 31 of 2015, registered at Renapur police station, District Latur, for the offences punishable under Sections 420, 419, 467, 468, 471 of the Indian Penal Code.
- 3] There is one Society by name Renapur Vividh Karyakari Seva Sahkari Society, Renapur, District Latur. The District Deputy Registrar, Cooperative Societies, Latur directed Shri Sanjiv Shivajirao Hake, a certified auditor from the Cooperative Department to conduct the audit of the afore said Society. Accordingly, the audit was conducted. On completion of the audit, it was noticed that there is a huge misappropriation of the amount. According to the audit report, it is to the tune of Rs.28,46,237.53 Ps. The auditor found that, Ramesh Pandhari Nikam, Shivraj Murgappa Khumse, Laxman Ambadas Katale, and Balasaheb Pandurang Kapse (present applicant) are responsible.

Thereafter, as per the authorization the auditor has lodged the report with the police station against the afore said persons. From the first information report, it is clear that the present applicant is responsible to the tune of Rs. 2,42,845/-.

4] According to the learned counsel for the applicant, the applicant is the Director of the said Society and also runs the Fair Price Shop of the said Society. The liability was on the present applicant to deposit the amount as mentioned in the first information report, however, instead of depositing the afore said amount the present applicant has misappropriated the same.

5] Learned counsel submitted that since the charge sheet is filed, custodial presence of the applicant is not necessary.

Learned Additional Public Prosecutor has pointed out that charge sheet in so far as present applicant is concerned is filed under Section 299 of the Code of Criminal Procedure. The applicant was not found in the village/city. There is no explanation from the present applicant in respect of his absence from his ordinary place of residence. Further, the applicant is the Director of the said Society. Thus he wield influence and further, since the applicant is absconding, it will be difficult to procure his presence to the course of justice.

6] Hence, application is rejected.

(V.M.DESHPANDE, J.)

dbm/crap3131.15