

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8369 OF 2015

Mahadeo Deorao Nagargoje
age: 60 years, occu: pensioner
R/o Beghind SBI Bank
Near Bus Stand, Patoda
Tq. Patoda, Dist. Beed

Petitioner

Versus

1 The State of Maharashtra
through: Its Secretary
Social Justice & Welfare Department,
Mantralaya, Mumbai – 32

2 Assistant Charity Commissioner,
Beed, Dist. Beed

3 Police inspector,
Police Station, Patoda,
Tq. Patoda, Dist. Beed

Respondents

Mr.A.N. Nagargoje advocate for the petitioner
Mrs. M.A. Deshpande, AGP for Respondents

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 12th AUGUST, 2015.

ORAL JUDGMENT
(Per: R.M. Borde)

1 Rule.

2 With the consent of the parties, petition is taken up for final disposal at admission stage.

3 The petitioner contends that, a Change Report Proceedings bearing No.3150/2009 is pending consideration before the Assistant Charity Commissioner at Beed. The petitioner contends that, the original record of the trust is with the Police Authorities, who are stated to be investigating into offence, involving the petitioners. The petitioner further contends that, a request was made to the Assistant Charity Commissioner to direct the Police Authorities to produce the original record before the Court for perusal. However, the Court opined that, it is responsibility of the petitioner to secure the record and produce it before the Court. The Police authorities are willing to tender the record before the Court, however, expressed reservation for handing over the record to the petitioner who is accused in the crime.

4 In the facts and circumstances of the case, ends of justice would be met, if the Assistant Charity Commissioner is directed to ensure availability of the record from the Police Officials for the purpose of disposal of the Change Report Proceedings. The Assistant Charity Commissioner shall call upon the Police Authorities to produce the original record before him and may take on record photo-stat copies of the relevant record and may hand over the original record thereafter to the Police Authorities. The Order passed by the Charity Commissioner rejecting the request

made by the petitioner on 15.6.2015 is quashed and set aside.

5 Rule is made absolute accordingly.

6 There shall be no order as to costs.

(P.R. BORA, J)

(R.M.BORDE, J)

vbd