FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

CRIMINAL REVISION APPLICATION NO. 255 OF 2014

SATISH S/O NARESHRAO VIDOLKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Applicant : Mr. Pathan Hamzakhan I.
APP for Respondent No.1: Mrs. R. K. Ladda.
Advocate for Respondent No.2: Mr. A. S. Shelke.
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CORAM: T. V. NALAWADE, J.
DATED: 22nd JUNE, 2015.

PER COURT:

1. The proceeding is filed to challenge the order made by learned Additional Sessions Judge on discharge application filed by the Petitioner in S.T. Special Case (Electricity) No.19 of 2011. The case is pending in the Court of Additional Sessions Judge, Hingoli. Both the sides are heard.

2. The learned counsel for the Petitioner mainly submitted that he is appointed as a trustee by this Court under order dated 16th June, 2007. The order made by

Assistant Charity Commissioner dated 16th August, 2007 shows that in view of the order passed by this Court the present Petitioner and 4 other persons came to be appointed a Committee Members for discharging the functions of trustee of a temple. He submitted that there was no reason for him to commit theft of electricity. He has produced some bills showing that the committee is trying to pay the arrears of electricity bills.

3. This Court has gone through the copy of the complaint and other record filed along with the charge sheet. It shows that the officers of M.S.E.B. visited the temple and inspected the meter. They found that the meter was bye-passed and electricity was taken out for supplying it to focus / halogen. The Board wants to prove that by using such bye-pass they committed theft for a period of six months and the value of such electricity used is around 15,670/-. The amount, after compounding, is mentioned as Rs.16,000/-. Learned counsel for the Petitioner submitted that he was doing some social service and it cannot be said that he committed theft of the electricity. He submitted that

nobody will come forward if such actions are allowed against the persons appointed as trustees. This submissions is not at all acceptable. If he is facing difficulty it is open for him to resign and go out. Some other person can take his place. The record shows that he is working as President of the committee. In view of these circumstances, this Court holds that he cannot be discharged. Learned Special Judge has not committed any error in dismissing the discharge application. Revision application stands dismissed.

[T. V. NALAWADE, J.]

Dt.22/06/2015
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