

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 254 OF 2014 WITH CRI.APPLICATION (APPP) NO.624/2015

Dr.Subhash Gulabrao Khandare ..vs.. State of Mah. and ors.

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

Court's or Judge's orders

Mr.S.S.Shingane, Adv. for the applicant.
Mr.S.M.Ukey, APP for the State.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : JUNE 23, 2015.

1. The applicant who was suspended on 16th of November, 1999 was terminated later on. Initially he questioned F.I.R. under Sections 407, 408, 409 and 420 of the Indian Penal Code by approaching this Court on 11th of April, 2004. The matter remained pending for removal of office objections and ultimately on 24th of June, 2014 notices were issued in the matter. On 13th of August, 2014 applicant was given time to take suitable steps by passing conditional order. On 15th of September, 2015 while allowing Criminal Application (APPP) No.1040 of 2014 time of one week was given to take necessary steps. On 14th of November, 2014 time was extended by two weeks to report compliance. On 28th of November, 2014 leave to correct cause title was granted and also respondents were permitted to be served through the Commissioner of Police, Nagpur. Even on 11th of February, 2015 service upon respondent no.3 was not complete. Criminal Application was dismissed in default on 6th of April, 2015 and came to be restored on 16th of June, 2015.

2. In this matter, Criminal Application No.624 of 2015 is now moved seeking leave to challenge charge-sheet No.78 of 2014 dated

22nd of November, 2014 filed by prosecution on the file of Judicial Magistrate (F.C.), Ralegaon, Dist.Yavatmal.

3. Learned Additional Public Prosecutor submits that the charge-sheet is filed and all contentions can be raised by applicant in said matter. He submits that period of more than six months has passed after filing of charge-sheet.

4. Shri Shingne, learned counsel for the applicant, attempts to demonstrate that applicant has been made a scape goat of dispute between two groups of management and government Auditor was not permitted to look into all records for the year 2009-2010. He further submits that before end of that financial year applicant was illegally terminated, was not paid subsistence allowance and records were recovered by Magistrate. The private Auditor, according to him, was only to get a report to support charges as levelled and there is no case of misappropriation.

5. All these contentions require perusal of records. Considering these contentions, we grant leave to the applicant to appear through his Advocate in the Court of Judicial Magistrate (F.C.), Ralegaon to prosecute said objection.

6. Keeping all rival contentions open, we dispose of the Criminal application. No costs.

JUDGE

JUDGE

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