

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.619 OF 2015

Laxmanrao S/o Madhavrao Wange

Petitioner

Versus

The State of Maharashtra and other

Respondents

Mrs.Poonam V. Patil advocate for the petitioner

Mr. S.Y. Mahajan, APP for Respondent State

Mr. U.B. Bondar advocate for respondent Nos.7 to 9

CORAM : R.M. BORDE, J &
K.L. WADANE, JJ

(Date : 6th APRIL, 2016.)

PER COURT :-

1 The petitioner is seeking impleadment of respondent Nos.6 to 9 as accused in Crime No.3/2013.

2 The petitioner contends that, apart from the accused against whom the charge sheet has already been presented, it does appear that, the higher officers named in the petition are also responsible for commission of crime. It is contended that, under the provisions of The Mahatma Gandhi National Rural Employment Guarantee Act, 2005, responsibility is cast upon the higher officers to ensure that, the funds received under the

scheme are not embezzled and are properly utilised. It is the contention of the petitioner that, it does appear that, the other accused also have complexity in the crime. It is not a matter of dispute that, charge sheet has already been presented to the Court. In the circumstances, it would be open for the petitioner or the prosecuting agency to urge and request the trial Court to implead such of those persons, who are found to be involved in the commission of crime. Section 319 of Criminal Procedure Code empowers the Court, directing enquiry into or trial of an offence if it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused who are facing the trial on the basis of evidence placed before the Court to proceed against such person.

3 Keeping option of the petitioner or the prosecuting agency open to make appropriate request to the Trial Court within contemplation of provisions of the Code of Criminal Procedure, 1973, writ petition stands disposed of.

(K.L. WADANE, J)

(R.M.BORDE, J)