

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2872 OF 2015

Raosaheb S/o Punja Mandlik .. Applicant

Vs.

The State of Maharashtra and ors. .. Respondents

Mr. S.J. Salunke, Advocate for the applicant
Mr. A.R. Kale, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 13/01/2016

ORAL ORDER :

Heard.

2. Aggrieved by the acquittal of the respondent nos.2 and 3 from the offence punishable under section 406, 420 r/w. 34 of the Indian Penal Code, the original complainant wants to prefer an appeal and, therefore, the present application for leave to file appeal is filed.

3. In substance, the allegations are that the respondent no.2 - Alka being the Headmaster and

respondent no.3 – Popat being the clerk of the school, present applicant is a teacher, there used to be deduction for 7 months of the installments of Life Insurance Corporation (L.I.C.) subscription at the rate of Rs.865/- per month from the salary of the complainant. However, the respondents have illegally deducted the same as even no L.I.C. policy was obtained by the present complainant.

4. Officer of the Life Insurance Corporation was examined to show that during the relevant period, there was no LIC policy in the name of the present complainant.

5. Cross-examination of the complainant however would show that his brother himself was the Managing Director of the society, which runs the school. The deducted amount admittedly was being credited in the bank of the school and above all, the present complainant has admitted in the cross-examination that the refund of the said amount was offered to him, however, he was not ready to accept the same.

6. Considering all the admitted facts, the learned Judicial Magistrate First Class, Akole, Dist. Ahmednagar has acquitted both the respondents.

7. Reasoning of the learned Judicial Magistrate First Class cannot be called as perverse. The same are based on material produced before him and more particularly, the admitted position, as detailed supra.

8. Grant of leave to file appeal, therefore, would be an exercise in futility. Criminal Application is therefore dismissed. Leave is hereby refused.

[M.T. JOSHI]
JUDGE

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