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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1037 OF 2014

Jalgaon Zillha Gram Sudhar Samiti,
Kanalde, Taluka and District Jalgaon
A Registered Public Trust having
It's Registration No.F – 42/Jalgaon
Through the Member of Executive Committee
and The Secretary of the Trust
Shri Madhukar Murlidhar Bhangale
Age : 42 years, Occupation : Agriculture
and Business,
Resident of : At Kanalde,
Taluka and District Jalgaon

..PETITIONER

VERSUS

The State of Maharashtra
Through Officer In-charge
Zillha Peth Police Station,
Jalgaon, District Jalgaon

..RESPONDENT

Mr Mukul S. Kulkarni, Advocate for petitioner;
Mr A.R. Kale, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 11th April, 2016

ORAL ORDER :

Heard.

2. It is informed by the learned Counsel appearing on behalf of the petitioner that, pursuant to an order dated 4th August, 2014, passed below Exh.1, in Criminal Misc. Application No.79 of 2014, the police have already submitted a report dated 18th March, 2015 before the learned Magistrate,

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however, the Magistrate has not proceeded further in the matter. He would then invite attention of this Court to the communication dated 20th January, 2014, issued by the Assistant Charity Commissioner, Jalgaon Region, Jalgaon to the President of the trust, informing thereby that it is noticed from mutation application No.2374 of 2013, that the lands belonging to the trust are illegally sold by a person, viz. Ajar Aziz Patel, r/o Bhadali, Tq. & Dist. Jalgaon, with the help of forged documents in the name of the office of the Assistant Charity Commissioner. So as to protect the property of trust, the President of the trust shall initiate appropriate proceedings by resorting to the provisions of civil/criminal law as also the Maharashtra Public Trusts Act, 1950.

3. Without going into merits of the matter, what is noticed is, once report under section 202 of the Code of Criminal Procedure was called by the Magistrate and the same is placed before him, it is expected of the Magistrate to deal with the said report and then to proceed further with the claim of the present petitioner for issuance of process against the accused persons, irrespective of their status (political).

4. In view thereof, without going into merits, the present petition is disposed of with an observation that the learned Magistrate shall proceed further with the complaint in question and shall pass appropriate order, having received the report under section 202 of the Code of Criminal Procedure, as expeditiously as possible and preferably within a period of six weeks from the date of communication of this order.

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Criminal Writ Petition stands disposed of in above terms.

(N.W. SAMBRE, J.)

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