

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1094 OF 2015

Savitribai w/o Vishwanath Ghatkar & Ors.

PETITIONERS

V E R S U S

The State of Maharashtra & Ors.

RESPONDENTS

Mr. Patil N.P. Jamalpurkar, Advocate for the Petitioners

Mr. K.S. Patil, A.P.P. for Respondent Nos. 1 to 3 - State

Mr. U.B. Bondar, Advocate for Respondent No.4

**CORAM : A.V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 16th March, 2016

PER COURT :

1. The petitioners and others are named as accused in Crime No. 32 of 2015, registered at Police Station Wadhwana, Taluka Udgir, District Latur. Offence punishable under Sections 406, 409 read with Section 34 of the Indian Penal Code and under Section 13 (1)(c) with 13 (2) of the Prevention of Corruption Act were alleged against the petitioners. It was alleged that the petitioners stipend of Government funds handed over to them with construction work. They did not construct any building and the funds were misappropriated.

2. As per our direction, the Police Officer verified as to whether construction was made and refunds were utilized. As per the recent

report, Police Officer mentioned that the construction was made utilizing the funds. However, he indicated that according to his depression, the construction of building was to be made at village Wadgaon, but the building was found some other village by name Chidrawadi. The petitioners explained that village Chidrawadi and village Wadgaon are part of group gram-panchayat. When the amount was handed over for utilization, it was not specifically mentioned in the order that the amount should be utilized only at village Wadgaon and not elsewhere. It is therefore clear that the petitioners and others had ample scope for choosing a suitable place for making construction. No offence thus is committed. The complaint is quashed. In view of this, petition is allowed in terms of prayer clause 'B'.

(INDIRA K. JAIN, J.)

(A.V. NIRGUDE, J.)