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

CRIMINAL WRIT PETITION NO. 1282 OF 2014

1. Shaukatkhan S/o Ahmedkhan,
Age: 57 years, Occu: Agril. &
President of Alam Nawaz
Jung Shikshan Sanstha, Sevali,
Tq. & Dist. Jalna
R/o Sevali, Tq. & Dist. Jalna
 2. Shaikh Najem S/o Shaikh Rustum,
Age: 51 years, Occu: Agril. &
Member of Alam Nawaz
Jung Shikshan Sanstha, Sevali,
Tq. & Dist. Jalna
R/o Sevali, Tq. & Dist. Jalna
 3. Arifoddin S/o Rahimoddin,
Age: 45 years, Occu: Agril. &
Member of Alam Nawaz
Jung Shikshan Sanstha, Sevali,
Tq. & Dist. Jalna
R/o Sevali, Tq. & Dist. Jalna
- ..PETITIONERS

VERSUS

1. The State of Maharashtra
 2. Ajamkhan S/o Ahmedkhan,
Age: 68 years, Occu: Agril.,
R/o Sevali, Tq. & Dist. Jalna
- ..RESPONDENTS

Mr C. V. Thombre, Advocate for petitioners;
Mr D. V. Tele, Addl. Public Prosecutor for respondent No. 1

CORAM : N.W. SAMBRE, J.

DATE : 22nd April, 2016

ORAL ORDER :

In Regular Criminal Case No. 74 of 2010, an application Exh. 32
under Section 239 of the Code of Criminal Procedure, came to be filed for

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discharge of the accused from the offences punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, which came to be rejected by the learned Judicial Magistrate First Class, Mantha, by an order dated 2nd June, 2014 and further confirmed in Criminal Revision Application No. 43 of 2014 by the learned Sessions Judge, Jalna, by an order dated 4th October, 2014, which are impugned in the present petition.

2. In the background of allegations against the present petitioners of passing of resolution in relation to educational institution, Mr Thombre, learned Counsel appearing on behalf of the petitioners would urge that dispute in respect of management of a trust is purely of civil nature and the remedy to the aggrieved persons is available under the provisions of Bombay Public Trusts Act and not under the provisions of any criminal law.

3. He would then submit that, the present proceedings is initiated with an intention to cause harm to the reputation of the present petitioners, who are members of a public trust and managing an educational institution.

4. The validity of a resolution could also be tested from the view of Bombay Public Trust before competent authority, as such, according to him, the petitioners are entitled for discharge.

5. Mr Tele, learned Additional Public Prosecutor opposed the petition on the ground that the investigation in question has reached to a crucial stage and it was brought to the notice of the learned Magistrate that there

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is adverse report of investigation in the matter, the claim of present petitioners cannot be considered. He would then submit that over all material as is brought on record, appears to be sufficient to infer prima faice, involvement of the petitioners in crime in question.

6. With the assistance of the respective Counsel, I have bestowed my thoughts to the submissions made. It is required to be noted that pursuant to the order passed under Section 156(3) of the Code of Criminal Procedure, the offence in question came to be registered against the present petitioners, who claimed to be office bearers of a trust and are managing educational institution. It is then required to be noted that the Magistrate while dealing with the claim of the present petitioners had noted that there is sufficient material against the present petitioners and then proceeded to reject the application.

7. The revisional Court has noted that there is a expert opinion called in evidence which was found to be against the present petitioners as prime facie, it is noted that on the resolution in question, the signatures were forged by petitioners as that of complainant.

8. In the above background, no case for interference in extra-ordinary jurisdiction is made out. Writ Petition fails and stands dismissed.

(N.W. SAMBRE, J.)

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