

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

CRIMINAL WRIT PETITION NO.1412 OF 2015

1. Jay Subhash Udavant,
Age 33 years, Occu.Business
2. Vijay Subhash Udavant,
Age 33 years, Occu. Business

Both r/o Near Zopadi Canteen,
Savedi, Ahmednagar, District
Ahmednagar

..Petitioners

Versus

1. The State of Maharashtra,
2. Mahesh Nagari Co-operative Path
Sanstha Ltd., Bhingar, Ahmednagar
Branch at Adate Bazar, Ahmednagar
Through its Manager

..Respondents

Mr R.K. Temkar, Advocate for petitioners
Mr S.J. Salgare, A.P.P. for respondent No.1
Mr V.D. Sapkal, Advocate for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 17th February 2016

PER COURT

Heard.

2. This is a petition, wherein it is claimed by the petitioners that an amount of Rs.1,95,889/- was deposited by petitioner No.1 and Rs.2,38,641/- was deposited by petitioner No.2 some time in the month of August 2015. According to them, the said amounts ought to have been adjusted against the loan accounts of the petitioners.

3. Mr Sapkal, learned Counsel for respondent No.2 – society fairly concedes that the said amounts are adjusted against the loan accounts of the petitioners, if not will be adjusted and the set off will be given considering the date of deposit of the amount by presuming that the amount was deposited in loan accounts from the date of deposit. In view of above, in my opinion, the petition does not survive.

4. In this background, it is open for the petitioners to apply afresh before the learned Magistrate.

5. Criminal Writ Petition stands disposed of with above observations.

(N.W. SAMBRE, J.)

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