

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

CRIMINAL APPLICATION NO. 6353 OF 2015

Balasaheb Murlidhar Yadav .. Applicant

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. A.M. Hajare, Advocate for the applicant.

Mrs.R.K. Ladda, APP for respondent/State.

Mr. M.P. Kale, Advocate for respondent Nos. 2 to 4.

**CORAM : A.V.NIRGUDE &
INDIRA K. JAIN, JJ.
DATED : 23.03.2016**

P.C. :-

1. Heard. The applicant is one of the accused in as many as four cases. In the first case which was initiated on 25th July, 2014, the charge-sheet was already filed against the applicant and others. Offence punishable under section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999 (for short "the said Act") was alleged against

the applicant and others in addition to the Indian Penal Code offences.

2. The gist of the allegations made against the applicant and others is that they made representation to depositors that their company would pay higher rate of interest on their deposits. For sometime the company paid interest at higher rate, but thereafter defaults were committed persistently. Because of this, complaint was filed. On perusal of the provisions of the Act, we are convinced that offence is made out under section 3 of the said Act against the applicant and others.

3. The applicant is also facing three more cases where similar allegations are made. Surprisingly, offence under section 3 of the said Act is not included in the allegations. Learned Counsel for the complainant stated that more than 400 complaints are filed against the company and its owner etc. It is, therefore, revealed to us that the applicant worked for the company which defrauded hundreds of persons residing at different places. We are not inclined to decide as to whether all the complaints should be clubbed together utilizing provisions of section 220 of the Code of Criminal Procedure. This is for the Investigating Officer to consider. We are unable to quash the complaints which

are subsequently filed because the complaints appear truthful and are for the distinct offences.

4. The plea of double jeopardy by the applicant is misplaced. There is no double jeopardy in this case because all the complaints are separate and distinct.

5. Therefore, the Criminal Application is dismissed.

[INDIRA K. JAIN,J.]

[A.V.NIRGUDE,J.]