

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2140 OF 2016

Sunil Shahurao More

.... Petitioner

versus

The State of Maharashtra

... Respondents

Mr.S.S. Chaudhari, advocate for the Petitioner.

Mr.Avinash Khamkedkar, APP for the State/Respondent.

CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 05th DECEMBER, 2016.

P.C. :

1. Learned counsel Mr.V.V. Purwant, for the respondent No.2- is absent when the matter is called out.

2. This Writ Petition is directed against the order dated 18/04/2016 passed by the learned Sessions Judge, Solapur, in Criminal Revision Application No.302/2012 and so also the order dated 23/11/2012 passed by the learned Judicial Magistrate First Class, Madha in regular Criminal Case No.356/2012 of issuance of process under sections 406, 409, 420 r/w 34 of Indian Penal Code. The learned counsel for the petitioner submits that petitioner is one of the Chairman of some co-operative society, wherein amount

of Rs.45,000/- was deposited by the respondent on 11/03/2003 for a period of 4 ½ years. After maturity, she was supposed to gain an amount of Rs.90,000/- i.e. the doubled amount. She wrote letter to the petitioner and co-operative society demanding the said amount in the year 2009. The learned counsel for the petitioner submits that co-operative society agreed to pay the said due money to her. However, she did not approach the co-operative society with original receipt and therefore the amount was not paid. The learned counsel for the petitioner submits that petitioner/co-operative society is ready to return her money with interest.

3. Considering the submissions of the learned counsel for the petitioner and after going through the order passed by the learned Sessions Judge, the statements which are made before this Court, whether made before the learned Sessions Judge or not is not clear. The next date of hearing/appearance before the learned Magistrate, Madha, at Solapur is 20/12/2016. The petitioner and the respondent to appear before the learned Magistrate and statement made before this Court is binding as it is binding on the co-operative society.

4. It appears that the petitioner is ready to pay amount.

Hence the learned Magistrate to take necessary steps.

5. If money is paid the learned Magistrate to consider the amount of interest.

6. Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)