

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 397/2016.

Dhanraj Laxman Malke and others.

-VERSUS-

The State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATE : AUGUST 22, 2016.

Heard Shri S.P. Bhandarkar, learned
Counsel for the applicants, Shri V.A. Thakare, learned
A.P.P. for non-applicant no.1 and Shri A. Parchure,
learned Counsel for non-applicant no.2.

2. Question is – Whether in relation to no
objection placed at Annexure-D with this application,
any forgery has been committed by the applicants ?

3. Learned counsel for applicants submits
that the proceedings pending before the Assistant
Charity Commissioner were disposed of in Lok Adalat
on 22.11.2013, and non-applicant no.2 has by way of
an after thought lodged a report on 29.04.2016 i.e.
after more than three years. He points that the order

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of Lok Adalat, which was manned by the Assistant Charity Commissioner, Chandrapur has operated for the entire period and is in force even today.

4. He is relying upon the provisions of Section 195 of the Indian Penal Code and Section 340 of the Criminal Procedure Code to urge that the grievance of such a nature ought to have been made before the Assistant Charity Commissioner himself.

5. Learned A.P.P. submits that as the complaint has been filed which prima facie shows crime, cognizance has been taken.

6. Learned Counsel for non-applicant no.2 without prejudice to other contentions state that law does not mandate that non-applicant no.2 has to approach the Assistant Charity Commissioner only. He wants to demonstrate that grievance of such a nature can be even made directly before the police authorities. However, in the alternate, he points out that complaint in this regard was already made to the Assistant Charity Commissioner, Chandrapur and its cognizance has not been taken.

7. Learned counsel for the applicants disputes filing of any such complaint.

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8. The order passed is after no objection, allegedly signed by the non-applicant no.2 and it is passed in the month of November, 2013. Considering the fact that police complaint is lodged on 29.04.2016, we find it appropriate in present circumstances, to grant non-applicant no.2 leave to make appropriate application raising this grievance before the Assistant Charity Commissioner, Chandrapur. Assistant Charity Commissioner, Chandrapur is not party before this Court, however, the order passed upon such no objection is passed by that Authority in Lok Adalat.

9. If such an application is moved within a period of two weeks from today, the said Authority shall pass suitable orders upon it after hearing all concerned within next 8 weeks.

10. The non-applicant no.1 shall await the decision of that authority on such application.

11. With this direction and keeping all rival contentions open, we dispose of the present application. No costs.

JUDGE**JUDGE**

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded
is a true and correct copy of original signed
judgment/order.

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