

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

CRIMINAL APPLICATION NO. 932 OF 2015

(Baban s/o Ganpat Bhandale & Ors. vs. The State of Maharashtra thr. PSO, PS, Bramhapuri,
District - Chandrapur)

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 &
V.M. DESHPANDE, JJ.
JANUARY 25, 2016.**

Shri Sangidwar, learned counsel for applicant Nos. 1 & 2, Shri Pande, learned counsel for the applicant No. 3, seek leave to join the Auditor, who has filed police complaint, as party respondent.

Shri Ukey, learned APP for the respondent, however, has invited our attention to the observations of the Hon'ble Apex Court in the case of Gian Singh vs. State of Punjab, reported at (2012) 10 SCC 303 and later judgment of the Hon'ble Apex Court in the case of Narinder Singh & Ors. vs. State of Punjab & Anr., reported at (2014) 6 SCC 466.

The offence complained of in present facts is under Sections 406, 409 read with 34 of Indian Penal Code. The money was of Employees Credit Society, registered under the Bombay Public Trusts Act. Applicant No. 1 was its President while applicant No. 2 was its Secretary.

Shri Sangidwar and Shri Pande, learned counsel submit that applicant Nos. 1 & 2 have returned the entire amount with appropriate interest and, therefore, no loss is

caused to applicant No. 3 – Society. It is further pointed out that members of Society have also not suffered any injury.

Shri Pande, learned counsel states that applicant No. 3 has passed a resolution in this respect and in view of that resolution, present proceedings are filed.

However, in view of the law as explained by the Hon'ble Apex in the judgments mentioned supra, as the amount deposited by the employees, who happened to be members of Co-operative society, was misappropriated and thereafter has been returned back, we are not inclined to interfere in this respect.

Criminal Application is rejected.

JUDGE

JUDGE

*GS.