

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

CRIMINAL WRIT PETITION NO.217 OF 2008

1. Smt. Shobana Gurunath Gokhale,
Age - 40 years, Occu. Household,
R/o Surbhinagar, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon.
2. Sau. Joshanna Rajesh Khare,
Age - 42 years, Occu. Household,
R/o Kanaiyalal Plot, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon. ... **Petitioners**

Versus

1. The State of Maharashtra,
Through the Police Inspector,
Bazzar peth, Police Station,
Bhusawal Tq. Bhusawal,
District Jalgaon.
2. Ku. Sweta D/o Prakash Dolare,
Age - 22 years, Occu. Education,
R/o New R.M.S. Colony,
Shirpur Kanala Road,
Bhusawal, Tq. Bhusawal,
District Jalgaon. ... **Respondents**

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Mr. V.P.Latange, Advocate for petitioners
Mr. V.S.Badakh, APP for Respondent-State
Adv. N.S.Ghanekar, Advocate for Respondent No.2

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**CORAM : T.V.NALAWADE AND
ARUN M. DHAVALA, JJ.**

DATED : 9th October, 2017

JUDGMENT :-

1. The submissions made show that after making the order under challenge, Assistant Registrar of Co-operative Societies had given report on the basis of inquiry made by him to Police Station, against all the office bearers of the society. Investigation into that FIR was made and the charge-sheet is filed against all the office bearers and Directors, including the present petitioners. In view of these submissions, this Court holds that allowing the investigation in the present matter, due to the order passed by the learned Magistrate on 03.10.2007, is not possible. The Investigating Officer, who has filed the charge-sheet, is still vested with the powers under Section 173(8) of Criminal Procedure Code. Further, it is also within the powers of the Trial Court to give appropriate directions. In view of these circumstances, this Court holds that there is no need of separate investigation as ordered by Judicial Magistrate (First Class), Bhusawal in the complaint filed by Respondent Sweta Dolare in

RCC.No.267 of 2007.

2. In the aforesaid circumstances, this petition is allowed. The impugned order is set aside. However, there is liberty to Respondent No.2 Sweta Dolare to take appropriate measures, if she desires in view of the observations made earlier.

3. Rule is made absolute, in these terms.

(ARUN M. DHAVALÉ, J.)

(T.V.NALAWADE, J.)

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vmk/-