

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

CRIMINAL APPLICATION NO.2989 OF 2017

Trimbak Vishwanath Bangar
Age 60 years, Occu. Pensioner,
R/o Shriram Nagar, Jawahar Colony
Aurangabad. ... **Applicant**

VERSUS

The State of Maharashtra ... **Respondent**
Through Kranti Chowk Police
Station, Aurangabad

Mr.S.S.Jadhavar, Advocate for the applicant.

Mr.K.N.Lokhande, A.P.P. for the State.

CORAM : K. L. WADANE, J.

DATE : 3rd August 2017

ORDER:

1. Heard Mr.Jadhavar, learned counsel for the applicant and the learned A.P.P. for the state.

2. The present application is filed by the applicant under the provisions of Section 438 of the Criminal Procedure Code in connection with the Crime No.536/2017 registered at Kranti Chowk, Police Station, Dist.Aurangabad for the offences punishable under section 420, 465, 467, 468, 471, 472, 120B read with section 34 of Indian Penal Code.

3. One Sarangdhar Jadhav lodged a complaint with

Kranti Chowk Police Station alleging that the present applicant was working as an Engineer in Irrigation Department and has caused misappropriation of the Government fund through a Labour Society namely Bhadra Maruti Labour Cooperative Society by fabricating false documents. It is alleged that, all the seven members of the society were family members of the applicant. It is further alleged that the applicant was supervisor over two works allotted to the society. It is further alleged that the applicant was working as Sectional Engineer and he was instrumental in registration of the Cooperative Society in the name Bhadra Maruti Labour Co-operative Society. It is further alleged that in collusion with the Government Officers, he obtained various works. However without doing any work, he accepted the amount and therefore he has misappropriated the amount in Crores.

4. The learned A.P.P. opposes the application on the ground that the formation of the society is based on fabricated documents. He further submits that the concern Gramsevak has reported that the documents annexed with the proposal of the formation of the society as false.

5. Mr.Jadhavar the learned counsel for the applicant submits that the Society was registered in the year 2010 and the work orders were issued during the period from 2013 and 2014. Mr.Jadhavar drawn my attention to the letter issued by the Executive Engineer, Minor Irrigation, Aurangabad dated 16.09.2015, wherein it has been specifically mentioned that as per the work orders issued by the District Deputy Registrar, Aurangabad, the said society has done the work as per law and such work was inspected by the concerned officer. Therefore, there is no substance in the allegation that the members of the society have committed misappropriation or corruption of Crores of rupees. Mr.Jadhavar further points out the report of Enquiry Officer and the Auditor of the Co-operative Societies (Flying Squad), Aurangabad dated 02.12.2015 addressed to the Divisional Deputy Registrar, Aurangabad. In its concluding para, it is opined that the members of the society were admitted as per the sanction given by the Deputy Registrar, therefore, their admission as members on the basis of bogus record appears to be not proved. The wife and son of the present applicant were members of the society, however all of them have resigned on 30.05.2015 and

31.05.2015. It is further opined that the society has completed in all 15 works and and there was no misappropriation or corruption of Government money. Mr.Jadhavar, further submits that the applicant was supervising only two works and there was no misappropriation or irregularities in the work allotted to the society. Thus, from the record it appears that the applicant has not taken undue advantage or benefit of the work allotted to the society. Further, there no evidence to show that the applicant has misappropriated any Government money. In the circumstance, applicant can be protected from the arrest.

3. In view of the above, the interim relief granted to the applicant on 21.06.2017 is hereby confirmed. The criminal application is disposed of.

(K. L. WADANE, J.)

JPC