

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

CRIMINAL APPLICATION NO. 825 OF 2014

Rajkumar Arjun Wadkar

... Applicant

vs.

State of Maharashtra & ors.

... Respondents

Ms. Kshitija Sarangi, Advocate for the applicant.

Mr. V. B. Konde Deshmukh, A.P.P. for respondent no.1/State.

Coram : Smt. R. P. SondurBaldota, J.

Date : 4th January, 2017

P.C. :

1. This application challenges the order dated 21st June, 2014, by which the Sessions Court, Solapur has rejected the revision application preferred by the applicant and confirmed the order dated 20th March, 2014 passed by the trial Court.

2. The applicant is the complainant in R.C.C. No. 1293 of 2013 filed against the respondent for the offence punishable under Section 420, 468, 471 r/w 34 of Indian Penal Code. Respondents no. 2 to 9, the original accused are the trustees of the Educational Institution by name Dnyansagar Shikshan Mandal. The applicant claims to have given, on 6th May, 2006 donation to the trust of Rs.3,00,000/- in respect of which he was duly issued receipt. The applicant further complains that the audit report of the trust in the year 2007 discloses only a sum of Rs.52,996/- as the amount of loan. Therefore he filed the

complaint against the respondents alleging offence punishable under Section 420, 468, 471 of Indian Penal Code. On 20th March, 2014 the statement of the applicant was recorded in verification of the complaint and the learned Magistrate issued process against only two of the accused i.e. respondents no.2 and 4 for the offence punishable under Section 409 of Indian Penal Code. As regards the rest of the accused persons the complaint is dismissed. Being aggrieved by the order, the petitioner had approached the Sessions Court with Criminal Revision Application No. 79 of 2014. The Sessions Court by its order dated 21st June, 2014 has dismissed the revision application. Therefore the applicant has approached to this Court.

3. In the impugned order the Sessions Court has considered the material on record to confirm the order of the trial Court. It has noted that even if the complaint of the applicant that the donation given by him was in fact of Rs.3,00,000/- and not of Rs.52,996/- is to be accepted it would relate to only two of the accused persons to whom the process had been issued. Because according to the applicant the amount was paid to those persons, so far as the other trustees are concerned, there is no evidence that they had even knowledge of the payment of donation by the applicant. The other aspect considered by the Sessions Court is that the respondents dispute the receipt allegedly issued to the applicant. It observes that unless and until the genuineness of the receipt is proved by the applicant during trial and it is further proved that amount of Rs.3,00,000/- was actually paid by him to the Trust by donation, there was no question of issuance

of process against the rest of the accused persons. As on today there is no material on record against the other respondents. In my opinion, there is no infirmity whatsoever in the view taken by the Sessions court for confirming the order of the trial Court. Hence the application is dismissed.

[Smt. R. P. SondurBaldota, J.]