

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

CRIMINAL APPLICATION (ABA) NO.687 OF 2017

Ravi s/o Kawduji Bodhe, Rajura, Chandrapur
-vs-
State of Maharashtra, Thr. PSO, PS Patan, Dist. Chandrapur

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

Court's or Judge's Orders.

Shri R. M. Daga, Advocate for applicant.
Shri T. A. Mirza, APP for non-applicant/State

CORAM : A.S.CHANDURKAR, J.
DATE : October 03, 2017

The applicant apprehends his arrest for the offences punishable under Sections 409, 420, 468, 471, 477-A read with Section 34 of Indian Penal Code registered vide Crime No.43/2017 at Police Station, Patan, Dist. Chandrapur.

As per the First Information Report dated 05/09/2017, the applicant who is a Gramsevak and the Sarpanch of the said village have been accused of misappropriating amounts that were to be used for construction of toilets. The First Information Report is based on a communication dated 05/09/2017 issued by the Block Development Officer. As per this communication, an inquiry was held in the matter in respect of the occurrences for the period from December 2013 till April 2014. On that basis the offence came to be

registered.

Shri R. M. Daga, learned counsel for the applicant submitted that the alleged incident has taken place in the year 2013-14. In the inquiry proceedings the entire record has been seized. The show cause notice dated 04/09/2017 issued to the applicant granted him seven days time to furnish his explanation but the offence came to be registered immediately on the next day. It is submitted that pursuant to the interim order passed by this Court, the applicant has co-operated and he is further willing to abide by any conditions as imposed by this Court.

Shri T. A. Mirza, learned Addl. Public Prosecutor for the State opposed the application. According to him, on the basis of a detailed inquiry, it has been found that the applicant-accused No.2 and accused No.1 have misappropriated substantial public funds. He submits that as per the inquiry report, it has been found that the beneficiaries have not received the amounts in question which they ought to have received.

Perused the material placed on record. The inquiry in question has been conducted by the Enquiry Officer for the period from 2013-14. It appears from the record that the

entire documentary material is now with the Investigating Officer. Show Cause Notice dated 04/09/2017 grants time of seven days to furnish explanation and the offence has been registered immediately on the next day.

Considering the fact that entire material has now been seized by the Investigating officer and the applicant is a Gramsevak, I am inclined to confirm interim protection that was granted to the applicant.

In view of aforesaid, the ad interim order granted on 21/09/2017 is confirmed. The applicant shall attend the concerned Police Station initially on 09/10/2017 and shall thereafter continue to attend said Police Station as per the directions of Investigating Officer. No steps be taken to tamper with the prosecution material.

The observations made in this order are only for deciding the present application which is allowed and disposed of.

JUDGE