

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 245 OF 2007

Nagnath Kundlik Kale,
Age 62 years, Occu. Nil,
R/o. Sarola (Bhi), Tq. and
Osmanabad.

....Petitioner.

Versus

1. The State of Maharashtra
2. Rangnath Maroti Vatole,
Age 58 years, Occu. Auditor,
R/o. Osmanabad (Tambhari Vibhag),
Tq. and Dist. Osmanabad.

....Respondents.

Mr. R.P. Bhumkar, Advocate for petitioner.

Mrs. D.S. Jape, APP for respondent/State.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.
DATED : JUNE 04, 2018.**

JUDGMENT : [PER T.V. NALAWADE, J.]

1) The petition is filed for issue of writ of certiorari or of like nature for quashing and setting aside C.R. No. 103/1998 registered at Dhoki Police Station of Osmanabad and also the proceedings of seven chargesheets filed against the petitioner. Seven chargesheets are given number as case Nos. 134/1999, 135/199, 136/1999, 137/1999, 138/1999, 139/1999, 140/1999. Both the sides are heard.

2) The main submission made for the learned counsel for the petitioner is that when there is only one F.I.R. against the petitioner, who was working as Secretary of Co-operative Credit Society, after making investigation police filed as many as seven chargesheets against the petitioner and that is not permissible in law. The learned counsel took this Court through the provision of section 173 of Cr.P.C. The learned APP submitted that there is nothing in law, preventing police from filing many chargesheets, if more offences are detected after making investigation of one crime. The learned APP further submitted that the provisions of Cr.P.C. like section 234, 235 which provide for joinder of charges are enabling provisions and they do not come in the way of police to file separate chargesheets in respect of different offences.

3) This Court has carefully gone through the copy of chargesheets produced by the petitioner. Though it is true that in the first F.I.R. dated 10.9.1998, there is mention of work period of petitioner as 1.7.1989 to 31.3.1996 and in the chargesheet the period is mentioned as 1.7.1989 to 31.3.1996, the amount mentioned of misappropriation is Rs. 5,22,397.19. The chargesheet was filed for the offences punishable under sections 409, 467, 468 of IPC. In the second chargesheet, the period mentioned is of the year 1990 and the amount mentioned is Rs.1,16,596.25. In the third

chargesheet, the period mentioned is of the year 1991 and the amount mentioned is Rs.45,593.00. In the next chargesheet, the period mentioned is of the year 1992 and the amount mentioned is Rs.61,290.00. In the next chargesheet, the period mentioned is of the year 1993 and the amount mentioned is Rs.76,613.00. In the next chargesheet, the period is of the year 1994 and the amount mentioned is Rs.1,41,664.00. In the last chargesheet, the period mentioned is of the year 1995 and the amount mentioned is Rs.6,9185.00. These different transactions are mentioned in different chargesheets.

4) The petitioner has come to this Court for quashing of all the proceedings and the F.I.Rs. only on aforesaid technical ground. The summary of the allegations mentioned in the F.I.Rs. is sufficient to infer that the chargesheets relate to different offences, for different periods. Whether investigating agency will be using the same F.I.R. or whether the separate persons whose amount is misappropriated will also be examined as witnesses, is question which is not expected to be touched by this Court. Further, that will be only a technicality and that cannot go to the root of the matter. There is nothing in law prohibiting the police from filing many chargesheets if many offences are transpired during investigation after registration of the crime on the basis of one F.I.R. Due to this

position of law, this Court holds that no relief can be granted in favour of the petitioner. In the result, the petition stands dismissed. Rule stands discharged.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

SSC/