

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

Criminal Application No.2737 of 2014

* Arun S/o. Raosaheb Kadam,
Age 51 years,
Occupation : Service,
Acting as in-charge
Chief Executive Officer,
Beed District Central
Co-operative Bank Ltd. Beed,
R/o C/o. Head Office, Beed
District Central Co-operative
Bank Ltd., Rajuri Ves, Beed,
Taluka and District Beed. **.. Applicant.**

Versus

- 1) The State of Maharashtra
Through Police Inspector,
Police Station, Beed (City),
Taluka Wadwani,
District Beed.
- 2) Venkati Baliram Neelawad,
Age 54 years,
Occupation: Service,
R/o C/o Municipal Council,
Beed, Taluka & Dist Beed.
- 3) Shivanand s/o. Trimbakrao Taksale,
Age 52 years,
Occupation: Service,
acting as Additional Collector,
Beed and Assistant Election
Officer and Incharge of Code of
Conduct, Beed District,
R/o Officer's Colony,
Nagar Road, Beed,
Taluka and District Beed. **.. Respondents.**

Shri. D.J. Choudhari, Advocate, for applicant.

Shri. R.V. Dasalkar, Additional Public Prosecutor, for respondent No.1.

Shri. M.S. Karad, Advocate, holding for Shri. S.S. Thombre Advocate, for respondent No.2.

Respondent No.3 - served.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 9 AUGUST 2018

JUDGMENT (Per T.V. Nalawade, J.):

1) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R. No.16/2014 registered with Beed (City) Police Station for offence punishable under section 188 of Indian Penal Code in relation to the order issued by the Election Commission. Both the sides are heard.

2) The applicant is an officer of the Maharashtra State Co-operative Bank Ltd. Mumbai and he was the Chief Executive Officer of the Beed District Central Co-operative Bank Ltd. at the relevant time. General elections

for Maharashtra Legislative Assembly were declared in the year 2014. Allegation is made in the report by the Chief Officer of the Municipal Council, Beed, who was also head of the Code of Conduct that in the premises of the bank of the applicant there was a foundation stone bearing names of political leaders and this board was not covered by the present applicant. It was contended that on 5-3-2014 the code of conduct became applicable from 11.00 a.m. and specific directions were given by the District Magistrate to the concerned to see that everybody observes the code of conduct. It is contended that when it was necessary to cover the foundation stone it was not covered and so offence is committed under section 188 of Indian Penal Code.

3) The submissions made and the photographs show that the foundation stone was not at the outside of the building but it was inside of the building. Further, this Court has gone through the guidelines given in the form of Questions and Answers but the guidelines do not show that in the premises of the bank if there is foundation stone bearing the names of the political leaders showing

that they had inaugurated the building or they had laid the foundation stone they also need to be covered. As there were no such specific instructions this Court holds that relief needs to be granted to the applicant. In the result, the application is allowed. Relief is granted in terms of prayer clause (C). Rule made absolute in those terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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