

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

CRIMINAL APPLICATION NO. 6957 OF 2014

Dilip Balkrishna Talekar,
Age 48 years, Occu. Business,
R/o. Dwarka Nagar, R.P.D. Road,
Bhusawal, Taluka Bhusawal,
District Jalgaon.

....Applicant.

Versus

1. State of Maharashtra
2. Union of India,
Through Ajay Yadav,
Inspector, (RPF)
Railway Station, Bhusawal,
Taluka Bhusawal,
District Jalgaon.

....Respondents.

Mr. N.R. Shaikh, Advocate for applicant.

Mr. R.V. Dasalkar, APP for respondent/State.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.**

DATED : JULY 25, 2018.

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

- 1) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing of C.R. No. 6/2014 registered by Railway Protection Force under section 3(a) of Railway Property (Unlawful Possession) Act, 1966 and C.R. No. 189/2014 registered by Government Railway Police (G.R.P.) under sections 464, 467, 471, 409 of Indian Penal Code and section 3 (a) of Railway Property

(Unlawful Possession) Act, 1966. Both the sides are heard.

2) The submissions made and the record show that one Babu Tadvī, Divisional Commercial Ticket Inspector of Bhusawal Railway Police Station had given report against Sanjay Wanle, who was working as Chief Ticket Inspector that he had misappropriated money of railway. The fraud and misappropriation was detected on the basis of receipt books issued to the main accused by railway. Allegation is made that the aforesaid employee of railway gave false number of money receipts when he submitted receipt books and misappropriated the amount. The amount of more than Rs. 19.67 lakh was misappropriated by using peculiar modus operandi. For that, offence came to be registered first in Railway Police Force and then Railway Protection Force took over the proceeding.

3) There was some dispute over the powers of Railway Police Force and Railway Protection Force and some proceedings were filed in the past. The present applicant was arrested as his name was given by the main accused that from the misappropriated amount, he had given some money to present applicant as applicant had given hand loan to him. This Court had an occasion to consider the matter in Criminal Writ Petition No. 1420/2014 decided by this Bench. This Court had observed that there was possibility of

involvement of some other employee of the railway in view of the procedure which was ordinarily required to be followed after collection of money by the Ticket Collector.

4) Only on the basis of information disclosed by the main accused Babu Tadvī, the present applicant is made accused and there are allegations of aforesaid nature against the present applicant. In view of these circumstances, this Court holds that it will be abuse of process of law, if the present applicant is made to face the trial for aforesaid offences. In the result, the application is allowed. Relief is granted to him in terms of prayer clause 'A'. Rule is made absolute in those terms.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/