

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 19 OF 2019

Sudas Shivappa Dhapale Applicant

VERSUS

The State of Maharashtra Respondent

Mr. Umesh J. Desai, Advocate for applicant.
Mrs. M.R. Tidke, APP for State.

CORAM : S. S. SHINDE J.

DATED : 4th June, 2019.

P.C.

1. Learned counsel appearing for the applicant invites attention of this Court to various letters written to the District Deputy Registrar Co-operative Societies, Hatkalangale, Dist. Solapur and also letters addressed to the Chairman/Secretary of the Gajanan Co-operative Housing Society and submits that in spite of various letters written by the applicant, there is no response from the office bearers of the said society and also from the office of the District Deputy Registrar of Co-operative Societies and therefore, the Magistrate ought to have ordered investigation under Section 156 (3) Crpc however, Magistrate has adopted the alternate mode and ordered the complainant to examine himself on oath and witnesses. It is submitted

that to adjudicate the complaint filed by the applicant in effective manner the investigation under section 156 (3) Crpc ought to have been ordered by the Magistrate. Learned counsel submits that, even the Sessions Court has not properly appreciated the contentions of the applicant and mechanically endorsed the reasons assigned by the Magistrate. Therefore, learned counsel submits that application may be rejected.

2. I have carefully perused the reasons assigned by the Magistrate and also by the Additional Sessions Judge while rejecting the revision filed by the present applicant. Grievance appears to be that the copies of documents are not supplied to the petitioner and therefore, Magistrate ought to have ordered investigation under section 156 (3) Crpc. There are other remedies to the petitioner to seek copies of documents which are in custody of the office bearers of the said society or to seek documents from the office of District Deputy Registrar of Co-operative Societies. In that view of the matter and keeping in view reasons assigned by the Magistrate in its order and by Additional Sessions Judge, no case is made out to invoke inherent powers to entertain this application. However, in case

petitioner files fresh application seeking copies of documents to the District Deputy Registrar Co-operative Societies, Hatkalangale, in that case said authority shall keeping in view the relevant legal provisions/procedure consider the prayer of the petitioner to obtain such copies from the office bearers and from the said society and given the same to the petitioner. With the above observations application stands rejected.

[S.S. SHINDE, J.]