

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 195 OF 2017

Mr. Lal Ghanshani and anr. ... Applicants

Versus

State of Maharashtra ... Respondent

Mr. Karansingh Rajput for the Applicants.

Mr. A.D. Kamkhedkar, APP for the respondent State.

Ms.Ragini Bhagwat, PI, MRA Marg Police Station.

**CORAM : B.P. DHARMADHIKAKRI &
REVATI MOHITE DERE, JJ.**

DATE : FEBRUARY 21, 2019

P.C.:

Chargesheet is already filed. The contention is report of respondent no.2 under section 81(3) of Maharashtra Cooperative Societies Act has not become final and dispute under section 91 is still pending. It is also pointed out that though initially enquiry under section 88 of Maharashtra Cooperative Societies Act was stayed, that stay has been vacated later on and enquiry is going on.

2. We find that member by name Gita had sought audit and thereafter she also approached police station. On the basis of her

grievance, offences under section 465, 468, 403, 409, 418, 420 and 120B IPC area registered on 19/9/2016.

3. Learned APP informs that the investigation is over and charesheet is also presented to the competent court.

4. Counsel for the petitioner submits that there is regular audit and audit reports showing that no single paisa has been misappropriated is already available. He further states that all funds have been used and appropriated as per various policy decisions including the guidelines of RBI.

5. We find that the defence of the petitioners cannot be looked into at this stage. The report of respondent no.2, special audit and investigation shows need to permit the trial court to proceed further.

6. We however, add that our observations are only for the purpose of refusing to intervene in extra ordinary jurisdiction and shall not eclipse the contention of the applicants before the trial court. With the liberty to the applicants to raise the same at appropriate stage before the trial court, we dispose of the present proceedings. There shall be no orders as to costs.

(REVATI MOHITE DERE, J.) (B.P. DHARMADHIKARI, J.)