

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 741 OF 2019

Milind Narayan Patil ... Appellant/Applicant
V/s.
The State of Maharashtra and Anr. ... Respondents

Mr. Aniket U. Nikam for applicant/appellant.
Mr. Saryajeet P. Chavan for the Respondent No. 2.
Mr. S.S. Pednekar– APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J
DATED : 21ST AUGUST, 2019.

P.C. :

1. The appellant and the complainant happen to be the resident of Gurudev Datta Co-operative Society. It appears that during the period from 2012 to 2014 the complainant i.e. the Respondent No. 2 was a Secretary of the Society. In the year 2016 the applicant has taken charge as a Chairman of the Society. It appears that he had filed some complaints to the Deputy Registrar about mismanagement by the earlier managing committee, pursuant to a resolution passed by the Society.

2. It appears from the records that there was an enquiry initiated under section 83 of the Maharashtra Co-operative Societies Act, 1960 in respect of the alleged misappropriation by the Committee Members of the society which was officiating in the year 2012 to 2014,

that, action was also taken under section 88 of the Maharashtra Co-operative Societies Act.

3. It appears that the Society had held a meeting on 31st March 2019 at about 9.30 p.m. to solve certain internal problems including that of scarcity of water and the management of the society including repairs of the lift and in the said meeting the passions were high, there was verbal altercation between the members and at that time the complainant had raised an issue about his difficulties with water supply in his house. Suddenly, the present appellant had abused him and had also raised his hand in a heat of passion.

4. On 1st April 2019 at about 9.00 p.m. the complainant i.e. the Respondent No. 2 had lodged a report at Bharati Vidyapeth Police Station, Pune, on the basis of which non-cognizable case No. 323 of 2019 was registered against the appellant. It appears that the name of one Tushar Nivgune was also mentioned. However, the same was scored off. In the said report there is no reference to abuse by caste or any other humiliating incident. However, according to the learned counsel for the respondent no. 1 an application was filed by the respondent no. 2 alleging therein that the appellant herein had abused him.

5. In fact, the recitals of the FIR would show that the said application was filed on 5th of April 2019 on the basis of which the offence was registered against the appellant on 6th April 2019.

6. In fact, it appears that in the meeting dated 4th April 2019 the appellant had realised his mistake and had even apologized to the complainant by saying that in a heat of passion he had lost his mental balance. The said meeting was also attended by a police officer. The transcript of the said video recording of the said meeting is placed on record by the learned counsel for the respondent no.2. Upon reading the transcript it appears that the appellant was seeking co-operation from the members of the society to solve the issue of scarcity of water and to manage the affairs of the society. He has also referred to the efforts taken by him in managing the society and has stated that he was physically tired. He has also requested the past members of the Managing Committee to try to understand the difficulties of the Managing Committee as they were also members of the Managing Committee in the past. He had requested the members to keep their personal differences of opinion apart in the interest of the society. He had also further requested them to visit the office of the Management at any time, since, he was trying his level best to maintain transparency in the affairs of the society.

7. Be that as it may, it pertains to the Management and the harmony in the society. The learned counsel for the appellant submits that the appellant has resigned from the post of Chairman after the meeting dated 4th April 2019. As against this, the learned counsel for the Respondent No. 2 vehemently submits that the appellant had lost his balance in the said meeting and had then apologized which would show that he has admitted the commission of the offence under the provisions of scheduled castes and scheduled tribes (prevention of

atrocities) Act, 1989. The learned counsel for the appellant submits upon instructions that in the next general meeting the appellant would seek an apology from the complainant for anything that has happened in the meeting dated 31st March 2019.

8. In view of this, the interim relief granted by the order dated 11th June 2019 deserves to be confirmed in the interest of justice.

9. The appellant shall continue to cooperate with the investigating agency and report to the police station and when called.

10. Both the parties shall maintain communal harmony in the society.

(SMT. SADHANA S. JADHAV, J)